



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Third and fourth periodic reports of States parties due in 2007**

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND\* \*\***

[16 July 2007]

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\* According to information transmitted to States parties concerning the processing of reports, the present document has not been edited before being sent to the United Nations translation services.

\*\* For the initial report submitted by the Government of the United Kingdom, see document CRC/C/11/Add.1; for its consideration by the Committee, see documents CRC/C/SR.204-206; and for the Committee's concluding observations see document CRC/C/15/Add.34; for the second periodic report, see document CRC/C/83/Add.3; and for the Committee's concluding observations see document CRC/C/15/Add.188.

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**UNITED KINGDOM OVERSEAS TERRITORIES AND  
CROWN DEPENDENCIES**

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## **Introduction**

1. The United Kingdom (UK) comprises England, Wales, Scotland and Northern Ireland. References in this report to the UK Government refer to matters that are common across the four nations that make up the UK or, where specified, to England or to England and Wales. Scotland and Northern Ireland have separate legal systems from that in England and Wales, but similar statute and common law principles are applied throughout the United Kingdom. The UK also has 14 Overseas Territories and Crown Dependencies spread across the globe, over which it has sovereignty but which are not formally considered part of the United Kingdom.
2. The United Kingdom's commitment to implementing the Convention remains unwavering. Since the last report, our commitment to delivery has been reflected by an increased policy focus on children and young people, set in the context of our recognition of our diversity, with genuine devolution within the UK and its overseas territories offering flexibility for different locations to respond to the particular needs of their children and young people, whilst keeping steadfast to the principles of the Convention.
3. When the second UK periodic report to the Committee was submitted in 1999, devolved government in Wales, Scotland and Northern Ireland was still in its infancy. Now, eight years later, the devolved administrations have made their own significant contributions to the realisation of children's rights in their respective territories. The people of Scotland, Wales and Northern Ireland now have their own democratically elected legislatures, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly respectively, but still maintain the close links that have existed for centuries within the United Kingdom. The Westminster Parliament continues to legislate on matters which affect the whole of the United Kingdom, such as foreign affairs, defence and macroeconomic policy.
4. Northern Ireland's devolved administration was suspended on 14 October 2002. From that date, the Secretary of State for Northern Ireland, assisted by his team of Northern Ireland Office Ministers, assumed responsibility for the operation of government departments in Northern Ireland. Devolution was restored to Northern Ireland on 8 May 2007. In particular, the success of the peace process in Northern Ireland and the re-establishment of a devolved government has led to much better prospects for Northern Ireland's children. However it should be noted that the matters relating to juvenile justice, policing, immigration and asylum are not within the competence of the Northern Ireland devolved administration and instead are the responsibility of the Westminster Parliament. Consequently, legislation and action in these areas has not been determined by the devolved administration.

## **Report structure**

5. This report closely follows the form and structure specified by the Committee's guidelines (CRC/C/58/Rev.1, Nov. 2005). The report overall has three distinct parts; the first part focuses on the United Kingdom's progress in implementing the Convention on the Rights of the Child; followed in the second part by summaries of the progress made by each Overseas Territory.

Lastly, the third part consists of annexes containing statistical and resources data; copies of relevant legislation since the last report; additional information about the views of children and young people and the full reports from the UK's devolved administrations and Overseas Territories.

6. The UN Committee's guidelines specify that this report should address the Committee's concluding observations to the previous report and oral examination, and detail the progress in the implementation and monitoring the implementation of the Convention, together with statistics on resources and detailed disaggregated data. The UN Committee also specified that the main report should be a UK wide response. In addition, the Government is required to report on factors and difficulties in implementing the convention and targets for the future.

7. The Committee is asked to note that it has not been possible to include information about future targets in the "factors and difficulties" sections of the report. This is because the very recently formed executives in Wales, Northern Ireland and Scotland are not currently (July 2007) in a position to set out information about future priorities and targets. Relevant information about these will be provided at a later stage. Though it would have been possible to include targets in relation to England, it seems preferable that all parts of the report, including that portion that is focused on the future, should be UK-wide.

### **Report preparation**

8. From the beginning of the process of preparation of this report, the UK Government has worked to demonstrate its commitment to an open and frank dialogue with children and young people and with non-governmental organisations (NGOs). The process began with a launch conference at which the Minister for Children, Young People and Families (for England) outlined the Government's commitment to the Convention and its importance in the lives of children in the UK. The conference was attended by young representatives from youth led bodies, by NGOs and by Government officials.

9. The Department for Children, Schools and Families (DCSF) in England then commissioned a consortium of NGOs to gather the views of children and young people on the implementation of the Convention, as well as to undertake a formal consultation with NGOs to seek their views to input into the report. This work also included an online survey, the convening of focus groups and an analysis of over 50 consultations carried out since 2002. The full report can be found at annex 2.

10. Each of the contributions to the UK report from the devolved administrations was also informed by discussion and consultation with key partners. For example, in Scotland an initial stakeholder conference was followed by consultation with children and young people and an opportunity to comment on a draft Scottish contribution - including an "unplugged" version for children and young people. In Northern Ireland, two events were held with representatives from the NGO sector, along with a series of meetings held with children and young people, who received a young people's version of the report. In Wales, comments were invited from the UNCRC Monitoring Group, which comprises NGOs and academics concerned with children and young people's rights, and from the Children and Youth Assembly (Funky Dragon).

11. An additional UK-wide consultation event took place in May 2007, the purpose of which was to gather the views and comments of key NGOs from across the UK, acting as ‘critical friends’, about the draft UK report. This was followed by a four week consultation period for the NGOs to submit written comments on the draft report, also including the views of children and young people.

12. On Thursday 28 June 2007, the Prime Minister announced a number of changes to the Machinery of Government in England. This created, for the first time, a Department for Children, Schools and Families (DCSF) and a Secretary of State for Children, Schools and Families with lead responsibility for all key policies which affect children 0-19 in England. At the same time a Department for Innovation Universities and Skills (DIUS) was created to be responsible for adult learning, further and higher education, skills, science and innovation. The new DCSF will be able to strengthen its focus on the needs of children and their families in a holistic and integrated way, ensuring that every child gets the best possible start in life and receives the ongoing support and protection that they need to allow them to fulfill their potential.

13. With the creation of the DCSF, the Department for Education and Skills (DfES) ceased to exist. The policies and activities outlined in this report have been discussed in terms of the newly created Departments - the DCSF and DIUS. These Departments will now take the lead ensuring the implementation of policies initiated by the former DfES.

## **CHAPTER I. GENERAL MEASURES OF IMPLEMENTATION**

### **(arts. 4, 42 and 44, para. 6 of the Convention)**

14. This chapter sets out the principal changes across the UK since its last report in 1999. It addresses the concluding observations of the Committee and explains the approaches taken in different parts of the UK, unified by shared principles drawn from the Convention, and a commitment to making children a key priority.

#### **A. Concluding observations - follow-up**

#### **Reservations and declarations**

##### **CRC/C/15/Add.188: para. 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.

*Children in adult prisons (art. 37 (c))*

15. It is the UK Government's view that custodial establishments in England and Wales now meet the requirements of Article 37(c), and are no longer reliant on the UK's reservation against this article. Since 1999, a discrete secure estate for boys under 18 (in April 2000) has been established and all 15 and 16 year old girls have been removed from Prison Service accommodation. (This was achieved by 31 December 2003.) Between 2004 and 2006, five new special units for 17 year old girls were built and brought into operation. The units are located within the Prison Service estate but there is complete separation from older offenders. Separate mother and baby facilities for young mothers and pregnant girls under 18 have also been provided.

16. It is the policy of the Scottish Executive to keep children out of detention wherever possible. Where this cannot be avoided because the level of risk posed by the child, either to themselves or others, under 16s will ordinarily be held in local authority secure accommodation. In occasional circumstances, where all other options have been exhausted it is however sometimes necessary to place under 16s within the prison estate.

17. However, in Northern Ireland only in very exceptional circumstances are children ever accommodated with adults. Special provision has been made (as recommended by the Criminal Justice Review) for males under 18 years old to be kept apart from older young people, Courts are now able to send vulnerable 17 year olds to a centre where younger children are accommodated. Following a review of these arrangements further changes to legislation are being considered to provide additional legal safeguards to ensure that the most vulnerable young people are accommodated appropriately. There is, however, no provision for separating 17 year old girls from adult female prisoners at present. As the number of those under 18 is very rarely more than one or, at most, two, separation would entail isolation. For these reasons the UK Government would like to retain its reservation to article 37(c), but on the basis that the position is kept under review.

*Article 22*

18. The UK provides for children, who arrive in the UK and remain here lawfully, through processes that are intended to be consistent with the Convention. The care and welfare arrangements for those children who are present in the United Kingdom in breach of UK Immigration Rules are also considered to be consistent with the Convention. The interests and rights of asylum seeking children and young people are fully respected. The key human rights of children are protected under the Human Rights Act 1998, which applies, without exception, to all children in the UK. Children are also protected under the 1951 UN Convention on Refugees and the European Convention on Human Rights.

19. The UK Government's view is that effective immigration control could be compromised were it to withdraw or narrow the extent of the general Reservation with regard to matters of immigration or nationality. The partial reservations entered by other states demonstrate that the United Kingdom is not alone in this belief. Other European States have restricted, in various ways, the effect of the Convention on their immigration and/or nationality legislation. However, the Reservation on Article 22 needs to be considered within the context of the law and practices of the United Kingdom. Removal of the Reservation would allow others an additional

opportunity to intervene in immigration processes. There is a risk that this would, on occasions, be used to frustrate effective immigration control. We do not believe that the effect of the Reservation extends beyond matters of immigration and nationality, by reason of the various children acts and orders, the effects of which apply equally to all children within the United Kingdom's boundaries, regardless of their immigration status or citizenship.

20. The UK Government has now (June 2007) announced its intention to legislate to place a specific statutory child safeguarding duty on the Border and Immigration Agency (BIA).

21. The UNCRC was not intended to provide new immigration and nationality rights, and the UK Government believes that its reservation to the Convention is necessary in the interest of effective immigration control. However the UK Government believes that, notwithstanding the Reservation, there are appropriate social and legal mechanisms in place to ensure that all children present in the UK receive appropriate levels of protection and care.

## Legislation

### **CRC/C/15/Add.188: para. 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.**

22. The UK and the devolved administrations have put in place a substantial body of legislation since 2002 which has served further to enshrine in law the well-being of children. This legislation encompasses the principles of the Convention and creates an effective national framework to support positive outcomes for children. For England and Wales, the most important of these is the Children Act 2004, which provides the legal framework for the *Every Child Matters* reforms in England and for implementing the *Rights to Action* agenda in Wales. The Act provides for:

- The establishment of a Children's Commissioner for England, as an independent champion for the views and interests of children and young people, taking account of the UNCRC;
- A duty on local authorities in England and Wales to make arrangements to promote co-operation between agencies to promote children's well-being;
- A duty on the key agencies who work with children to put in place arrangements to make sure that they take account of the need to safeguard and promote the welfare of children;



- New roles of the Director of Children's Services (in England) and Lead Director for Children and Young People (in Wales) and Lead Member (in England and Wales) for Children in local authorities;
- The establishment of a new single Children and Young People's Plan for each local authority in England to set out how the authority and partners will promote the well-being of local children;
- Establishing ContactPoint - an online directory for England containing basic information about children and young people, contact details for their parents/carers and practitioners providing services to them - which will help practitioners deliver more coordinated support;
- Setting up statutory Local Safeguarding Children Boards in England and Wales to ensure key agencies work jointly to protect children;
- An integrated inspection framework, and regular Joint Area Reviews to be carried out by independent inspectorates, to look at how children's services as a whole operate across each English local authority;
- A duty (section 53 of the Children Act 2004) on local authorities that, when working with children in need, their wishes and feelings need to be ascertained and used to inform decision making;
- A duty on the local authority in its role as the corporate parent to promote the educational achievement of children in care.

23. In addition to the Children Act 2004, other new UK legislation since 2002 which impacts on children is listed in the table below against the relevant articles of the Convention. Of particular key significance is the Childcare Act 2006, which became the first UK legislation to be devoted to early years and childcare. It places a range of duties on local authorities in England, in particular to improve the well-being of all young children in their area and to reduce inequalities between those achieving the poorest outcomes and the rest. This means that, when improving the outcomes for all children, local authorities are required to improve the outcomes of the most disadvantaged at a faster rate.

Aspects of the Convention	New UK Legislation
General measures of implementation [articles 4, 42 and 44, para. 6]	<ul style="list-style-type: none"> <li>• Commissioner for Children and Young People (Scotland) Act 2003</li> <li>• The Commissioner for Children and Young People (Northern Ireland) Order 2003</li> </ul>
General principles [articles 2, 3, 6 and 12]	<ul style="list-style-type: none"> <li>• Race Relations Order (Amendment) Regulations (Northern Ireland) 2003</li> <li>• The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) (2003)</li> <li>• The Criminal Justice (No. 2) (Northern Ireland) Order (2004)</li> </ul>

Aspects of the Convention	New UK Legislation
	<ul style="list-style-type: none"> <li>• Advocacy Services and Representations (Children) (Wales) Regulations 2004</li> <li>• Representations Procedure (Children) (Wales) Regulations 2005</li> <li>• Disability Discrimination Act 2005</li> <li>• Equality Act 2006</li> <li>• Work and Families Act 2006</li> <li>• Employment Equality (Age) Regulations 2006</li> <li>• Employment Equality (Age) Regulations (Northern Ireland) (2006) (S.R. No. 261)</li> <li>• The Disability Discrimination (Northern Ireland) Order 2006</li> <li>• Justice and Security (Northern Ireland) Act 2007</li> <li>• Justice and Security (Northern Ireland) Act 2007</li> </ul>
Civil rights and freedoms [articles 7, 8, 13-17 and 37(a)]	<ul style="list-style-type: none"> <li>• Education and Libraries (Northern Ireland) Order (2003)</li> <li>• Gender Recognition Act 2004</li> <li>• The British Overseas Territories Act 2002</li> <li>• The Nationality, Immigration and Asylum Act 2002</li> <li>• Civil Partnership Act 2004</li> <li>• Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order (2006)</li> </ul>
Family environment and alternative care [articles 5, 9-11, 18, paras. 1 and 2; 19-21, 25, 27, para. 4 and 39]	<ul style="list-style-type: none"> <li>• Adoption and Children Act 2002</li> <li>• Anti-Social Behaviour Act 2003</li> <li>• The Protection of Children and Vulnerable Adults (Northern Ireland) Order (2003)</li> <li>• Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003</li> <li>• Domestic Violence, Crime and Victims Act 2004</li> <li>• The Children (Leaving Care) Regulations (Northern Ireland) 2005</li> <li>• The Children's Homes Regulations (Northern Ireland) (2005)</li> <li>• Childcare Act 2006</li> <li>• Children and Adoption Act 2006</li> <li>• Work and Families Act 2006</li> <li>• Family Law (Scotland) Act 2006</li> <li>• Adoption and Children (Scotland) Act 2007</li> </ul>

Aspects of the Convention	New UK Legislation
Basic health and welfare [articles 6,18, para. 3, 23, 24, 26, and 27, paras. 1-3]	<ul style="list-style-type: none"> <li>• The Community Care and Health (Scotland) Act 2002</li> <li>• Mental Health (Care and Treatment) (Scotland) Act 2003</li> <li>• Housing (Northern Ireland) Order 2003</li> <li>• Child Trust Funds Act 2004</li> <li>• Breastfeeding Etc. (Scotland) Act 2005</li> <li>• Child Benefit Act 2005</li> <li>• Smoking, Health and Social Care (Scotland) Act 2005</li> <li>• Health Act 2006</li> </ul>
Education, leisure and cultural activities [articles 28, 29 and 31]	<ul style="list-style-type: none"> <li>• Education Act 2002</li> <li>• Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002</li> <li>• Education (Pupil Exclusion and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004</li> <li>• Education (Additional Support for Learning) (Scotland) Act 2004</li> <li>• School Councils (Wales) Regulations 2005</li> <li>• Gaelic Language (Scotland) Act 2005</li> <li>• Education Act 2005</li> <li>• Special Educational Needs and Disability (Northern Ireland) Order 2005</li> <li>• Childcare Act 2006</li> <li>• Education and Inspections Act 2006</li> <li>• Scottish Schools (Parental Involvement) Act 2006</li> <li>• The Education (Northern Ireland) Order 2006</li> </ul>
Special protection measures [articles 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40]	<ul style="list-style-type: none"> <li>• Justice (Northern Ireland) Act 2002</li> <li>• Female Genital Mutilation Act 2003</li> <li>• Protection of Children (Scotland) Act 2003</li> <li>• Asylum and Immigration (Treatment of Claimants, etc.) Act 2004</li> <li>• Sexual Offences Act 2003</li> <li>• Vulnerable Witnesses (Scotland) Act 2004</li> <li>• Control of Lead at Work Regulations (Northern Ireland) (2003)</li> <li>• Working Time (Amendment) Regulations (Northern Ireland) (2003)</li> <li>• Anti-social Behaviour (Northern Ireland) Order (2004)</li> <li>• Anti-social behaviour etc ( Scotland) Act 2004</li> </ul>

Aspects of the Convention	New UK Legislation
	<ul style="list-style-type: none"> <li>• Prohibition of Female Genital Mutilation (Scotland) Act 2005</li> <li>• Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005</li> <li>• Safeguarding Vulnerable Groups Act 2006</li> <li>• Safeguarding Vulnerable Groups (Northern Ireland) Order 2007</li> <li>• The Employment of Children (Amendment) Regulations (Northern Ireland) 2006</li> <li>• The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) (2006)</li> </ul>

## Resources

### **CRC/C/15/Add.188: para. 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.**

24. The UK’s investment in children is substantial and wide ranging. However, it is not possible to provide an accurate single UK figure, or an assessment of the percentage of GDP spent on children. This is because of a combination of factors such as devolved administration, differing policy priorities and a variety of ways in which budgets are allocated. However, in Wales a Children’s Budget has been published on the Assembly Government’s website.

25. There are also two other contributory factors; firstly, the UK Government has a policy of devolution of resources to the front line, where they are applied in ways that are responsive to local need, based on the local setting of priorities which determine how they are allocated. Further, data collections are largely a matter for each devolved administration, based in large part on the specific legal framework operating in each country of the UK. In addition, local Government and other locally-based statutory delivery bodies are understandably resistant to the central imposition of burdensome reporting requirements, including those that could be used to disaggregate expenditure at the local level. For instance, children’s health is supported by extremely substantial investment in the National Health Service (NHS). The universal nature of this service, which responds to local needs and is delivered through the many hundreds of local commissioning and delivery organisations (in particular Primary Care Trusts and hospital trusts), means that it is not possible to say how much of the funding of the NHS is spent on children.

26. As a result, no information has been provided on resource allocations in the other chapters of this report, apart from education, in which area information about expenditure on children is available. However, it is possible to offer an overview of some of the main sources of funding on services for children in the UK:

- Education funding: resources to local authorities and schools to provide education and other related provision. In England, this funding is routed through the Department for Children, Schools and Families and then local authorities. Expenditure on education for under 18s has risen from around £33 billion in 2000-01 to over £50 billion in 2005-06, representing an increase from 3.4% of GDP to 4.1%;<sup>1</sup>
- Health funding: resources in England are allocated to Strategic Health Authorities (SHAs). These resources are then devolved to Primary Care Trusts (PCTs) and hospital trusts, and are for use across all age groups according to local need and priorities. In England there has been record investment in the NHS - rising from £33 billion in 1996-97 to £92.2 billion in 2007-08;
- Resources for child benefit. Expenditure on child benefit rose from £8.6 billion in 2000-01 to £9.6 billion in 2004-05;
- Expenditure on children's services in England (excluding education) has doubled between 1997 and 2006 - from £3.35 billion to £7.46 billion. This was an average annual increase of 8% in real terms of which £1.64 billion (over the same period) was for new investment in early years.

27. There is also significant expenditure in other areas, such as the Working Tax Credit and Child Tax Credit, proportions of which are spent on children but which expenditure cannot be disaggregated. In addition to these examples of large scale expenditure, there is significant investment in specific policies by the UK Government and devolved administrations, which is described throughout this report in relation to particular areas of work.

28. In Wales, the Welsh Assembly Government has undertaken an exercise to identify Assembly Government and Assembly Government-funded spending on children's services and initiatives. The results were published alongside the Rights in Action report in March 2007. These showed that, overall, of the Assembly Government and Local Authorities' budgets for 2005-06, around 30 per cent was used to the benefit of children.

29. In Northern Ireland, the Commissioner for Children and Young People, jointly funded by the Office of the First Minister and Deputy First Minister and the Department of Finance and Personnel, recently undertook research on the comparative levels of public expenditure on children in Northern Ireland relative to counterparts in the rest of the UK. The report was launched by the Commissioner for Children and Young People on 3 July 2007.

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<sup>1</sup> This does not include Higher Education expenditure, which will include some young people under 18, and the Further Education data included may cover some people over the age of 18.

30. In Scotland, it is difficult to provide full and robust aggregate figures for expenditure on children by central and local government, the National Health Service, police and other statutory bodies. However, the Executive does publish documents which set out budget plans at several levels. For example, allocations to local authorities to support education and other services for children have risen from £3,381m in 2002-03 to £4,428m in 2007-08 budget plans. These resources support a wide range of services including the provision of school education, school building and refurbishment, social care, pre-school education, nursery and childcare, services for looked after and vulnerable children, youth work, youth justice and the costs of inspectorates which ensure the quality of these services.

*Provision of international assistance and aid*

31. The Department for International Development (DFID) has made specific policy commitments since 1997 to focus its policy work and programme spending on helping children. DFID has sought to address the plight of children at a range of levels in the countries that it works with, from seeking to improve the conditions that threaten children in those countries to providing additional resources for delivering better health and education. DFID also runs programme spending in areas specifically designed to help children including basic services such as health, education, water and sanitation.

32. It is difficult to identify the specific expenditure by DFID on children, because of its integration into wider spending and because of the nature of the social and economic reform programmes of partner governments. However, notable resource allocations have been provided to a number of sectors that benefit children in partner countries. For instance:

- In April 2006, the UK announced that it will spend at least £8.5 billion in support of education in developing countries over the next 10 years. By 2010, UK support to education will be at £1 billion a year;
- In September 2005, the UK Government and other donors launched the International Finance Facility for Immunisation (IFFIm), which could save the lives of five million children by 2015 through raising funds for immunisation programmes. The UK has now committed US\$2.6 billion (£1.3 billion) to IFFIm;
- In 2006, DFID committed £252 million over five years to the Government of India's Reproductive and Child Health programme. One in four of all deaths to children aged under five occur in India, with 1.2 million infants dying each year within a month of their birth;
- DFID has spent over £2 billion since 1997 to help support the health sector in developing countries, with benefit to children; and
- DFID has committed some £8.9m in total to the ILO's International Programme for the Elimination of Child Labour (IPEC) for work in the Greater Mekong region (parts of Cambodia, China, Laos, Thailand and Vietnam).

33. The Scottish Executive developed a policy on international development in 2005. To date the Executive has made available an international development fund (IDF) of £3 million per year

to sustain this policy. The IDF funds a number of projects run by NGOs, some of which are aimed at supporting children and protecting their rights; for example, to work with children with HIV/AIDS; to reduce infant and maternal mortality; and to ensure children have the right to education.

34. *Wales for Africa: A Framework for Welsh Assembly Government Action on International Sustainable Development* was launched in September 2006. It outlines the way in which the Welsh Assembly Government will make a distinctive contribution to delivery of the UN Millennium Development Goals. The Framework focuses on those countries in Africa where Wales has existing links, including Lesotho, which has been twinned with Wales since 1986. Through the Lesotho Teacher Placement Programme, 24 teachers from Wales will undertake six month placements in schools in Lesotho during the period 2005-08.

### Coordination

**CRC/C/15/Add.188, para. 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.**

35. Devolved government arrangements across the UK and the differing local needs make it inappropriate to have a single body to coordinate implementation of the Convention. Wales and Scotland have individual Ministers with specific responsibility for children and young people. In Northern Ireland, the Junior Ministers in the Office of the First Minister and Deputy First Minister fulfil a co-ordinating role in respect to cross-cutting policy issues relating to children and young people. While each devolved administration has its own arrangements, specific policy responsibilities may fall to separate Departments. Within this arrangement, however, coordinating arrangements do exist, through the process of Cabinet Government. In England, for example, the Minister for Children, Young People and Families within the Department for Children, Schools and Families (DCSF) has, since June 2003, exercised responsibility for championing children's interests in other government departments as well as for overall coordination of the UK's report.

### Plan of action

**CRC/C/15/Add.188, para. 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 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.**

36. The substantial new body of legislation described above provides the underpinning for the strategies and plans we have set in place to put children, in particular disadvantaged children, at the heart of policy and practice in the UK. While our strategies are grounded in shared principles, their detail varies across the UK's nations, reflecting our commitment to genuine devolution to meet local needs.

*National plan of action - England*

37. *Every Child Matters* is a set of reforms - supported by the Children Act 2004 (see above) - designed to enable families, local communities and services to work together to improve the lives of all 0 to 19 year olds and narrow the gap between those who do well and those who do not. *Every Child Matters* measures progress in improving the lives of children and young people in five broad areas (known as outcomes, which are enshrined in law through the Children Act 2004): health; safety; achievement & enjoyment; making a positive contribution; and achieving economic well-being.

38. *Every Child Matters* integrates universal targeted and specialist services for children and young people from 0-19, bringing services together around the needs of children. It enables children's services to work across professional boundaries, using common processes and terms of reference. *Every Child Matters* has established children's trusts as commissioners of services for children, young people and families, driven forward by Directors of Children's Services in each local authority. Local areas carry out joint analysis of the needs of their local population and prioritise and plan their services, in conjunction with service users, through a Children and Young People's Plan. The process is a continuous cycle of consultation, evaluation, planning and commissioning of services for children.

39. *Every Child Matters* has been widely supported across central and local government, the voluntary and community sector and amongst frontline staff. It has been followed up by a series of policy documents looking at particular areas of policy in more detail - i.e. *Youth Matters*; *A Ten Year Childcare Strategy*; *Every Parent Matters*. Special attention has also been paid to vulnerable groups through *Care Matters*; *the Special Educational Needs (SEN) strategy* and the new strategy for disabled children. As a result, the lives of children and young people are being increasingly improved. For example:

- Over 600,000 children have been lifted out of relative poverty since 1998-99, and there has been a faster fall in child poverty in the UK than in any other EU country over the same period;
- The gap has narrowed in the achievement of minority ethnic pupils, with the proportion of both Black Caribbean and Bangladeshi pupils achieving 5 or more A\* to C grades at GCSE and equivalent in 2006 up 10 percentage points since 2003, compared to a national increase of 6 percentage points for all pupils;
- Participation among 16 year olds has increased to its highest ever level, with 89% in some form of learning in 2005-06;



- Over 1,250 children's centres and over 4,000 extended schools have been created, ahead of the trajectory that will deliver 3,500 children's centres, and on track for all schools to be extended schools, by 2010;
- The Youth Opportunity and Youth Capital Funds have invested £115 million over 2006-08 to provide young people with more choice and influence over facilities in their area. Over £130 million has been invested since 2002 in Creative Partnerships, involving over 500,000 children in creativity and arts projects.

*National plan of action- Scotland*

40. Scotland has taken a similar approach to England, building a vision and plan of action for children centred on their needs and wishes, and the outcomes every child should be able to achieve. Scotland's vision is that all of its children should be confident individuals, effective contributors, successful learners and responsible citizens.

41. To achieve this vision, all children need to be:

- Safe: protected from abuse, neglect and harm;
- Nurtured: living within a supportive family setting, or, where this is not possible, within another caring setting;
- Healthy: enjoying the highest attainable standards of physical and mental health, with access to suitable healthcare and support;
- Achieving: with access to positive learning environments;
- Active: with opportunities to participate in play and recreation;
- Respected & Responsible: involved in decisions that affect them, and encouraged to play an active role in their communities; and
- Included: with access to high quality services and assisted to overcome barriers that create inequality.

42. In March 2006, the Scottish Executive published a new Quality Improvement Framework (QIF) for Integrated Children's Services, supporting self-evaluation and performance improvement within and across children's services. The Framework, which is supported by a suite of key performance indicators (refined in consultation with external stakeholders), based on the key elements of the vision, will be embedded within the wider Integrated Children's Services Planning framework and will be a key element in underpinning joint inspections of children's services. The range of indicators included in the Framework covers both mainstream services, for example, school attainment and child health, as well as more specialist areas including child protection, additional support for learning, family support, adoption, fostering and substance misuse and will allow the measurement of progress and outcomes across key policy areas.

43. As part of the implementation of *Getting it Right for Every Child*, all children appearing at Children's Hearings will have an action plan based on their individual needs. The provision of these plans and the associated packages of care will be monitored.

*National plan of action - Wales*

44. Wales has taken a rights-based approach to supporting its children and young people, and has drawn up Seven Core Aims for Children and Young People, each based on the UNCRC Articles. The Seven Core Aims seek to ensure that all children and young people in Wales:

- Have a flying start in life and the best possible basis for their future growth and development;
- Have access to a comprehensive range of education, training and learning opportunities;
- Enjoy the best possible physical and mental, social and emotional health, including freedom from abuse, victimisation and exploitation;
- Have access to play, leisure, sporting and cultural activities;
- Be listened to, treated with respect, and have their race and cultural identity recognised;
- Have a safe home and a community which supports physical and emotional wellbeing; and
- Not be disadvantaged by child poverty.

45. These Seven Core Aims underpin all the Assembly Government's work with and for children and young people, and provide a common framework for planning for children and young people throughout Wales, at national and local level. They form the basis of the reporting structure for the new statutory 3-year Children and Young People's Plans that set out agreed priorities for improving outcomes. By incorporating rights into the reporting structure, definitions and use of outcome measures it is intended that eventually the planning process will measure progress in implementing the children's rights. The first Plans cover 2008-11.

46. The Welsh Assembly Government published its first strategy for children, *Children and Young People: A Framework for Partnership* in July 2000. This was followed in 2004 by *Children and Young People: Rights to Action*. The UN Convention underpinned these and other key overarching policies, including *Extending Entitlement* and the *National Service Framework for Children, Young People and Maternity Services* (NSF). *Extending Entitlement* sets out 10 basic entitlements for all young people aged 11-25 living in Wales, including learning about rights, being heard and health and well-being. All of these contribute to the overall Rights to Action agenda for children and young people in Wales. In March 2007 the Assembly Government published *Rights in Action: Implementing Children and Young People's Rights in Wales*, a report on progress to date in implementing the UN Convention.

*National plan of action - Northern Ireland*

47. *Our Children and Young People - Our Pledge: A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016* was launched in June 2006. The strategy developed over a number of key stages including a three day stakeholder residential event, training on the UNCRC and Child Rights Programming and a series of working groups. All of these involved children and young people. A young people's advisory group was established and played a key role in supporting the Office of the First Minister and Deputy First Minister to develop the strategy. The strategy is based on a vision statement that includes all children, and is explicitly informed and guided by the UNCRC. It sets outcomes for progress in six areas - that children and young people are:

- Healthy;
- Enjoying, learning and achieving;
- Living in safety and with stability;
- Experiencing economic and environmental well-being;
- Contributing positively to community and society;
- Living in a society which respects their rights.

48. The first action plan for the strategy was published in March 2007. All Northern Ireland government departments (including the Northern Ireland Office and the Northern Ireland Court Service) contributed to the action plan. This is the first time that a document has been produced which describes what all the Northern Ireland government departments will be doing on behalf of children and young people.

49. The action plan will be subject to further review and revision one year after publication to allow for potential revision by local Ministers. Thereafter, the action plan will be reviewed and produced annually during the lifetime of the strategy.

**Independent monitoring structures**

**CRC/C/15/Add.188, para. 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.**

### *The Children's Commissioners*

50. Children's Commissioners have been established across the UK. Each of the Commissioners has a remit appropriate to their own local circumstances; they can, and do, work together for the benefit of all the UK's children. The four UK Commissioners have also come together with the Irish Commissioner to create the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC) to facilitate their overlapping roles, and to agree an approach on issues concerning the British Isles.

51. The post of Children's Commissioner for Wales was established in 2000, and the first Commissioner was appointed in 2001. The Commissioner acts as an independent champion for children and young people in Wales. His principal aim is to safeguard and promote the rights and welfare of children and in doing so he has a duty to have regard to the UNCRC.

52. The Commissioner for Children and Young People for Northern Ireland was established in 2003 and is independent of government. The Commissioner's primary aim is to safeguard and promote the rights and best interests of children and young people and, in determining how to exercise his functions, must have regard to the relevant provisions of the UNCRC.

53. The Commissioner for Children and Young People (Scotland) Act 2003 established the office of Children's Commissioner. The Commissioner is independent of the Scottish Executive and their primary function is to promote and safeguard the rights of children with particular emphasis on the rights set out in the UNCRC. The first Scottish Commissioner took up post in April 2004.

54. The Children's Commissioner for England is responsible for England, and for non-devolved issues affecting children and young people in Scotland, Wales and Northern Ireland. The Commissioner is charged with promoting awareness of the views and interests of children in England. This provides a broad strategic remit which must be discharged within the framework of the five *Every Child Matters* outcomes and with regard to the UNCRC.

*The Children's Rights Director for England*

55. The post of Children's Rights Director (CRD) was established through the Care Standards Act 2000. The Children's Rights Director works with specific groups of particularly vulnerable children: those living away from home in regulated settings such as children's homes, foster care and residential special schools, and those receiving support from children's social care services.

56. The CRD's role is to ensure that the rights and welfare of these vulnerable children and young people are properly safeguarded and promoted within the work of Ofsted (the Office for Standards in Education, Children's Services and Skills). The CRD advises on changes needed to regulations, standards and government guidance about welfare in the services the Commission inspects or reviews. CRD also advises Ofsted on its methods of registration, inspection and responding to complaints. The Children and Family Court Advisory and Support Service (CAFCASS) has also appointed a CRD, which is discussed further in Chapter II.

*Commission for Equality and Human Rights*

57. In addition to the bodies above, whose focus is specifically on children, the Equality Act 2006 established the new Commission for Equality and Human Rights - described in more detail in chapter III, to support the rights of children and adults across the UK.

**Data collection**

**CRC/C/15/Add.188, para. 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.**

58. The UK Government and each devolved administration are committed to the use of data to inform policy development and have in place a range of systems to collect aggregated data relating to children and their outcomes at both national and local level. For example, these systems include requirements for local authorities in England to provide statutory data returns

which can be co-ordinated and assembled nationally and such reports are the subject of frequent debates in individual administrations. The nature of these data collections, and the subsequent reports and debating processes, closely reflects the statutory basis on which information is gathered. As this report reflects, the information can also be used to assess progress in relation to the implementation of the Convention. Annex 1 provides more detailed statistical information in support of this report.

59. One such example is the development of an Annual School Census in England which has allowed for disaggregated pupil-level data to be collected permitting a National Pupil Database, with a growing wealth of information, to be established. The information in the database has enabled the UK Government, local authorities and school leaders to understand more sharply the drivers of and obstacles to children's achievement and to focus on improving teaching and learning - the key drivers of higher standards for all children. Further efforts to improve the quality or quantity of data collected by the UK Government needs to be considered in the context of the need not to create additional burdens on those working directly with children.

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

#### **CRC/C/15/Add.188, para. 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).**

#### **(a) Information**

60. The UK Government and devolved administrations are committed to promoting awareness and understanding of the Convention. Specific references are made in school curricula to pupils' understanding of legal and human rights and to the world as a global community; further details are included in chapter VII. This includes the role of international organisations, including the United Nations.

61. The UK Government operates a number of web-based portals enabling children and adults to access information about the Convention. For parents and young people, DirectGov has a

popular UNCRC section. For children under 10, DirectGovKids has a section on the UNCRC developed in conjunction with UNICEF, and there is also specific information available on the web for people who work with children. The online children's survey, commissioned by DCSF to support this report, indicated that about 70% of respondents reported that they had some awareness of the UNCRC.

62. In Wales, Clic, the National Information and Advice Project, provides similar information targeted particularly at young people aged 11-25. The Welsh Assembly Government intends, during 2007-08, to produce a series of information booklets on rights for children (5-10) and young people (11-18), together with an accompanying publicity and communication strategy. In Scotland, the Scottish Executive and the Scottish Child Law Centre have produced a leaflet for children setting out and explaining the rights in the Convention.

63. In Northern Ireland, during the development of the 10 year strategy for Children and Young People, 127 civil servants and NGO sector personnel were involved in training on the UNCRC and Child Rights Programming. The training was also delivered to the Young People's Advisory Forum. Save the Children and the Children's Law Centre have developed the training further and recently delivered new modules to 80 people responsible for Children's Services Planning in the Southern Health and Social Services Board.

*(b) Training*

64. In addition to these sources of information and training, there is specific training related to human rights and the Convention available for people in a range of professions working with children. In England, the Children's Workforce Development Council, established in 2005, has now adopted the Convention to underpin its work. Specific training and support for professions includes the creation of a Common Core of Skills and Knowledge for the whole of the children's workforce (including teachers, childcare and early learning providers, social workers and others who work with children), which described the Convention alongside key UK legislation that practitioners should take into account. This Common Core is being embedded in initial training and continuing professional development by professional bodies, higher education institutions and awarding bodies, and employers are now able to use it as a tool to develop job descriptions and induction training. For instance, key areas relating to the Convention are now included within all social work training.

65. The Department for Children, Schools and Families in England is providing funding to UNICEF for their Rights Respecting Schools initiative. This programme aims to help provide children with a practical understanding of the personal meaning of their rights, and those of others, by relating the principles of the UNCRC closely to everyday behaviour in the classroom and school. The pilot of the initiative found that the programme is seen as a powerful way of improving behaviour and attendance, increasing children's affiliation to each other and to their teachers, improving resilience and, as a result, increasing the capacity to raise standards.

66. In addition, in Northern Ireland over 140 front-line staff in the Youth Justice Agency received training in human rights during 2005-06.

67. In Wales, work is currently underway to develop a children's workforce strategy for all professional groups. Since local workforce strategies are a requirement of Children and Young People's Plans, they are underpinned by a framework of values that includes children's rights.

68. Professionals in Scotland receive a wide range of training on human rights and children's rights, including the UNCRC. For example, all courses for health care professionals who work as specialists in the field of child health will cover key components of the UN Convention, in particular articles 12 and 24.

69. Both the Standard for Initial Teacher Education and the Standard for Full Registration have been revised recently. The new Standards were published in March 2007, emphasising the importance of the UNCRC and requiring prospective teachers to demonstrate respect for the rights of all children as set out in the Convention. Social workers undergo a wide range of training and must be able to demonstrate a clear understanding of legal obligations such as human rights and children's rights (including the provisions of the UN Convention) and equality issues. The Scottish Institute for Residential Child Care offers two short courses free of charge to all residential child care staff throughout Scotland on the subject of children's rights. Training for police officers in Scotland pays particular attention to meeting the needs and protecting the rights of children. National training is provided at the Scottish Police College in relation to the UN Convention and children's rights in general, and as required in specific roles.

### Optional Protocols

**CRC/C/15/Add.188, para. 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.**

70. Since signing the Optional Protocol the UK Government has strengthened the law, developed a range of practical measures to assist law enforcement agencies, children's services and other organisations, and strengthened mechanisms for international co-operation.

71. Where legislation was necessary to ensure compliance this has been achieved primarily by the Adoption and Children Act 2002, the Sexual Offences Act 2003, the Criminal Justice (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. The majority of practical measures set out in the Optional Protocol have been implemented.

72. The Government is currently assessing the extent to which the UK is compliant with the provisions of the Optional Protocol, and will consider what steps are necessary to ensure ratification when this assessment has been completed. The timing of this process will depend on what steps are identified by this assessment.



**B. Statistics and resources****UK Education Expenditure (£m) on Under-18s 2000-01 to 2005-06\***

Of education	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Under 5s	2 514	3 123	3 320	3 788	4 171	4 257
Primary schools	12 497	13 681	14 645	16 439	17 179	18 192
Secondary schools	13 189	14 735	15 875	17 968	19 349	20 375
Further Education	4 776	5 728	6 378	7 133	7 378	8 016
Total	32 976	37 267	40 218	45 328	48 077	50 840
Percentage of GDP	3.42	3.70	3.78	4.02	4.05	4.10

PESA 2006

**Child benefit expenditure (£m) 2000-01 to 2004-05\***

2000/01	2001/02	2002/03	2003/04	2004/05
8 600	8 800	9 000	9 400	9 600

Tax Benefit Reference Manuals 2000-05, HMRC

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**\* Please Note:**

- (i) UK Education figures (excluding HE and student support) - and are taken from the annual Public Expenditure Statistical Analysis (PESA) report from HMT and the ONS.
- (ii) Spending classified as 'education' here is consistent with the UN 'classification of the functions of government' (COFOG) system for classifying govt spending.
- (iii) Child Benefit - figures are taken from the Tax Benefit Reference Manuals for the relevant years.
- (iv) The above figures do **not** include:
  - DCSF spending on children not classified as education (i.e. largely if not entirely social protection spending);
  - Other Government Departments' expenditure on children - because expenditure is not disaggregated by age group;
  - Devolved administrations' spending on other services for children - not picked up by first and second bullets above;
  - Children's Social Services - outturn figures are published for England, but not the UK as a whole;
  - Child Tax Credit and Working Tax Credit - the WTC will in part be attributable to families with children, but cannot be broken down.

### Children and young people's views

73. The large-scale online survey of children and young people, commissioned by the Department for Children, Schools and Families to support this report found that overall, the **best things** about being a child in England were: being relatively privileged in global terms (e.g. free healthcare, free education, peace, prosperity); personal circumstances (friends and family) and political freedoms (e.g. democracy, rights, personal freedom). Younger children particularly valued their friends and family, while older children valued the range of leisure and recreational opportunities on offer, and their civil and political rights and freedoms. Around three quarters of children said they also felt safe at home, and around 9 out of 10 felt that their education had helped them value other people's language, culture and beliefs.

74. Overall the three most frequently mentioned responses regarding the **worst things** about being a child or young person in England were: age restrictions, negative attitudes towards children and young people (i.e. being seen as a problem) and safety (i.e. violence and crime). However, while nearly 80% of children said they had opportunities to relax, play and have fun most days or every day, more opportunities for leisure and socialising was the most common response when children were asked what would make life better for them and their friends.

75. In Scotland, key issues disclosed by a consultation conducted by the Children's Parliament included younger children (8-13) wanting school to be enjoyable and safe, and to have more of a say in school life; wanting greater protection from adults who might hurt them and an end to bullying by children or adults. Older young people (14-21) felt that adults did not listen to individual children enough, hearing their voices only as part of organisations. These views were echoed by children and young people in Northern Ireland and Wales.

76. In Wales, the NGOs' UNCRC Monitoring Group organised a major conference and published a report, *Righting the Wrongs: the reality of children's rights in Wales*, in January 2006, to stimulate discussion ahead of the reporting round. Funky Dragon (the Children and Young People's Assembly for Wales) is undertaking an *Our Rights, Our Story* project, involving over 8,000 young people aged 11-18 and over 2,000 7-10 year olds. The *Our Rights, Our Story* report will be submitted to the Committee in autumn 2007.

77. In Northern Ireland, key issues for children included being treated equally, being able to practice their own culture/religion, access to appropriate information and bullying in school.

### C. Factors and difficulties

78. Since the last report there has been a programme of unprecedented investment in publicly funded services for children throughout the UK, and development of new child-centred approaches to planning and delivering national and local policy. This has led to considerable progress being made. Children across the UK are achieving more and families are better off than ever before. However, there is much still to be done. The UK Government is committed to reversing the recent increase (of 100,000 children) in child poverty, the first since 1998-99. The gap between the outcomes of most children and those from disadvantaged backgrounds remains too wide, and increased efforts are needed to tackle this. There are also worrying trends in the

areas of the well-being and safety of children, such as young people's preparedness to take health risks with underage drinking and early sexual experiences. More needs to be done to widen and deepen the awareness and understanding about children's wellbeing.

79. Respondents to the recent online children's survey, conducted by NGOs on behalf of DCSF, felt that life would be better for children and young people if there were: more activities and opportunities for socialising and playing sport (17%), safer communities by reducing violence and crime (8%), more spending power including better discounts for students (6%) and more tolerance of differences (6%). And having more social opportunities and safer communities were prioritised by children as the two most important factors regardless of age group.

80. The new Scottish government has committed to sharing the UK Government's long term target to eradicate child poverty by 2020. Scotland has hit the 2005 target ahead of the rest of the UK, one quarter of the journey complete, but with much more to do. Since 1998-99, 80,000 children have moved out of relative low income - a reduction of 26%. In terms of children in absolute low income, for the same period the number has more than halved. Efforts are continuing to tackle poverty by investing in and supporting deprived and vulnerable children and their families. For example, Sure Start Scotland aims to ensure every child has the best possible start in life by targeting support for families with very young children in areas of greatest need. By 2008, every child who needs it should have an integrated package of appropriate health, care and support.

## **CHAPTER II. DEFINITION OF THE CHILD** **(art. 1)**

81. The definition of a child in the United Kingdom was described in detail in the UK's first report in 1996 and updated in its second report in 1999. The information provided in this chapter updates and clarifies the material set out in those reports.

### **Minimum legal age to purchase tobacco to rise from 16 to 18, UK**

82. From 1 October 2007, the minimum legal age to purchase tobacco will rise from 16 to 18 in England, Scotland and Wales. In Northern Ireland, the Assembly will shortly be invited to consider raising the age of sale. This change will follow closely on the heels of the introduction of smoke free public places and workplaces from 26 March 2006 in Scotland, 1 April 2007 in Wales, 30 April 2007 in Northern Ireland and 1 July 2007 in England, which effectively introduces a ban in all parts of the UK. A campaign to raise awareness of the imminent change in age will be launched alongside this.

83. About 9% of young people in England aged between 11 and 15 smoke, down from 13% in 1996, and the Government is determined to reduce this figure further. The current law controlling the sale of tobacco to children under 16 is set out in the Children and Young Persons Act 1933 as amended by the Children and Young Persons (Protection from Tobacco) Act 1991.

### **The Child Benefit Act 2005**

84. The Child Benefit Act 2005 amends the definition of a child by replacing it with two separate definitions - of a child and of a qualifying young person. Under the new provisions a

child is defined as a person who has not attained the age of 16. A qualifying young person is someone who has not yet reached a specified age, but is older than 16 and therefore does not meet the definition of a child. The purpose is to allow regulations to extend the child benefit entitlement to include young people who are on specified unwaged vocational training arranged by the Government as well as those in full-time, non-advanced education. The Government has also extended support to 19 year olds completing a course of learning begun before they reached that age.

### **Civil Partnership Act 2004**

85. In December 2005 the Civil Partnership Act came into force. Civil Partnership is a completely new legal relationship, exclusively for same-sex couples, distinct from marriage. The Act gives civil partners parity of treatment with spouses, as far as is possible, in the rights and responsibilities that flow from forming a civil partnership. Couples may register as civil partners provided:

- They are of the same sex;
- They are not already in a civil partnership or lawfully married;
- They are not within the prohibited degrees of relationship;
- They are both aged sixteen or over (and, if either of them is under 18 and the registration is to take place in England, Wales or Northern Ireland, the consent of the appropriate people or bodies must have been obtained).

### **Sexual consent**

86. The Sexual Offences (Amendment) Act 2000 amended the law in the United Kingdom to make the age of consent for consensual homosexual activity the same (the 16<sup>th</sup> birthday) as that for heterosexual couples. The 2000 Act was repealed - and replaced - by the Sexual Offences Act 2003 to remove any legal distinction in the criminal law between heterosexual and homosexual activity.

87. Although the legal age of consent in the UK is 16 (17 in Northern Ireland), for certain offences involving exploitation through prostitution or pornography the relevant age is 18. It is illegal to pay for the sexual services of any child, or cause or incite their involvement in prostitution or pornography, regardless of whether they have reached the age of consent.

## **CHAPTER III. GENERAL PRINCIPLES**

### **(arts. 2, 3, 6 and 12)**

88. The UK Government and devolved administrations remain committed to the implementation of Articles 2, 3, 6 and 12 of the Convention and the principles that they embody, and have done a great deal since 1999 further to translate those principles into national legislation and practice.

## A. Concluding observations - follow-up

### The right to non-discrimination

#### **CRC/C/15/Add. 188: para. 23:**

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

- (a) Monitor the situation of children, in particular those belonging to 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.**

89. Research with children and young people on the UNCRC found the most common form of unfair treatment reported by children and young people related to that based on age (43%), followed by gender (27%) and beliefs (18%). Reporting of age discrimination increased with age from 29% for under 11s to 64% for 16-17 year olds. Of those who described themselves as having a special need or disability, 55% felt that they had experienced unfair treatment for this reason. 38% of Black children, compared with 31% of Asian children, reported that they had been treated unfairly because of the colour of their skin. In terms of religion, Muslim children (38%) and Sikh children (31%) were most likely to report that they had been treated unfairly because of their beliefs. Looked after children and traveller children also reported experiences of unfair treatment because of their status/culture.

*(a) Monitor the situation of children who are exposed to discrimination*

90. In addition to a substantial programme of monitoring and data collection (see statistical annex to this report), the UK Government launched an independent Equalities Review and a Discrimination Law Review in February 2005 to consider how to tackle inequality in society at large and look at the whole of discrimination law. The final report of the Equalities Review published in February 2007, made a number of recommendations for change. The Government will formally respond to it in autumn 2007. In June 2007 the Government published: *A Framework for Fairness: Proposals for a Single Equality Bill for Great Britain*, the Discrimination Law Review green paper. The Review has been considering the opportunities for creating a clearer and more streamlined legislative framework, and will inform the development of proposals for a Single Equality Bill, which the Government is committed to introducing during the current Parliament.

91. The UK Government is committed to ensuring that children have appropriate means of redress where they perceive they have been treated unfairly, and the Commission for Equality and Human Rights will be considering the equality needs of children as part of its Strategic Plan.

92. In 2005, the National Assembly for Wales launched a Minority Ethnic Youth Forum aimed at young people aged 15 - 25, which provides young people with an opportunity to voice their concerns and views. The Welsh Assembly Government is also committed to supporting lesbian, gay and bisexual people. In its initiatives on bullying, and in the Framework for Personal and Social Education in Wales, the needs of pupils, who identify themselves as being homosexual or transgendered, are addressed. Funky Dragon (the Children and Youth Assembly for Wales) works with hard-to-reach groups of young people, which include those who identify themselves as being homosexual or transgendered.

(b) *Monitor the comparative enjoyment by children of their rights in England, Scotland, Northern Ireland and Wales*

93. Comparative enjoyment of children's rights is not monitored across the UK because of the different legislation and government strategies, which have been developed since the last UK report. However each Government, in England, Wales, Scotland and Northern Ireland collects and publishes statistical and research information that it considers to be relevant. This information has been reflected extensively in the main body of the report and in the Annexes.

(c) *Strategies to eliminate all forms of discrimination*

94. Research carried out with children and young people in England found that young people felt more should be done in schools to address prejudice and discrimination. They felt that simply having appropriate policies (such as anti-bullying policies) was not enough as they also need properly to be implemented. In addition to the information contained in this chapter, further information on how schools have been addressing inequalities can be found in chapter II.

95. In January 2005 the Government launched: *Improving Opportunity and Strengthening Society*, the first cross government strategy to increase race equality and community cohesion. The strategy aims to strengthen society, by creating a society in which every individual whatever their racial or ethnic origin, is able to fulfil their potential through the enjoyment of equal opportunities, rights and responsibilities.

96. The Government has given particular consideration to how legislation in this area could impact on children. A child's age is more closely related to his or her levels of development and need than is the case with adults. It is important that services for children are tailored in an age-appropriate way - a child of three is very different from a child of ten, or a teenager. The basic principle of age discrimination legislation, that people should not be treated differently on the basis of their age is therefore rarely appropriate to the treatment of children.

97. The Government believes that age discrimination legislation specifically targeted at children is unlikely to be the most appropriate way to meet their needs. Furthermore, legislation might encourage providers of services to children to standardise provision across all age groups,

even though this might not be of benefit to children. The UK Government's current view, therefore, is that any extension of age discrimination legislation should cover children or the provision of education in schools.

98. Since 1999, the UK Government has set in place a range of new legislation which addresses discrimination in all its forms, as it affects all members of society, whether adults or children. Underpinning this, section 38 of the Education and Inspections Act 2006 places a new duty on school Governing Bodies in England to promote Community Cohesion. Other new legislation includes:

- The Employment Equality (Religion or Belief) Regulations 2003;
- The Employment Equality (Sexual Orientation) Regulations 2003;
- The Employment Equality (Age) Regulations 2006;
- Part 2 of the Equality Act 2006, which introduces protection against discrimination on grounds of religion or belief; and
- The Equality Act (Sexual Orientation) Regulations 2007, which prohibit discrimination on grounds of sexual orientation.

99. The Race Relations (Amendment) Act 2000 introduced a duty on public authorities in England, Wales and Northern Ireland to have regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups. A similar duty to promote equality for disabled people was introduced in December 2006 and a duty to promote equality between males and females came into effect in April 2007. These duties place obligations on public authorities (including schools and other institutions working with children and young people) to consider the impact of their work on groups which have suffered discrimination and disadvantage.

100. The Employment Equality (Sexual Orientation) Regulations (Northern Ireland) (2003) make it unlawful to discriminate against an individual on grounds of sexual orientation in employment and training. Using a power in the Equality Act 2006, regulations have been brought forward to prohibit discrimination on the grounds of Sexual Orientation in the provision of goods, facilities and services in Northern Ireland. This took effect on 1 January 2007. These regulations are currently subject to a judicial review.

101. In addition to a body of anti-discrimination legislation, Section 75 of the Northern Ireland Act 1998 requires public authorities, in carrying out their functions, to have due regard to the need to promote equality of opportunity between persons of different religious beliefs, political opinion, racial group, age, marital status or sexual orientation, gender, with or without a disability, and with or without dependents.

102. In Northern Ireland, a Racial Equality Strategy was published in 2005 which sets out a framework for government and all sections of civil society for the creation of a community where racism is not tolerated and where all children and adults enjoy equality of opportunity and

equal protection. In 2006 the first annual action plan to implement the Racial Equality Strategy was published. Similarly, a Gender Equality Strategy has been published and a Sexual Orientation Strategy is due to be published in autumn 2007.

103. The Government of Wales Act 1998 places a duty on the National Assembly for Wales to have “due regard to the principle that there should be equality of opportunity for all people” in the conduct of its business and exercise of its functions.

104. The Scotland Act 1998 enables the Scottish Parliament to impose duties on any office-holder in the Scottish Administration or any Scottish public authority subject to its control to ensure that their functions are carried out with due regard to the need to meet the equal opportunity requirements. The Scotland Act also provides that actions of Scottish Ministers and Acts of the Scottish Parliament that do not comply with ECHR are unlawful.

105. Further information can be found in Section B of this chapter.

*(d) Allowing transmission of nationality through unmarried fathers*

106. The UK Government has amended the British Nationality Act 1981 in respect of children born outside marriage on or after 1 July 2006. This change re-defines who is to be regarded as a child’s parents for nationality purposes and enables children born outside marriage to derive a nationality claim or entitlement from their fathers in the same way as if they had been born to married parents.

**CRC/C/15/Add. 188: para. 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.**

107. In addition to the strategies outlined above, the UK Government’s strategy to increase race equality and community cohesion: *Improving Opportunity, Strengthening Society* (IOSS) meets its commitments to actions agreed at the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the development of a national action plan against racism. Government policies to tackle racism and racial discrimination cover all the key areas of the Durban Programme of Action, including education, health, employment, housing and the criminal justice system.

108. Work is being taken forward to deliver this strategy, undertaken by each relevant Government Department. In addition, the Government is funding Connecting Communities Plus, a grant scheme which is providing £18 million, from 2006 to 2009, to support voluntary and community groups in helping to deliver the strategy. The Government is committed to publishing annual reports on progress in delivering the IOSS strategy, and published its first report on 31st July 2006.



109. The Scottish Executive is developing a National Strategy and Action Plan on Race Equality, to be published later in 2007. The Race Equality, Integration and Community Support fund has been established and will provide £2 million over 2006-08 for projects to promote race equality.

110. The IOSS first year's progress report shows progress that progress has been made on a number of fronts. In education, for example, there has been year on year improvements at each key stage for Black and minority ethnic pupils. This is discussed in more detail in Chapter VII.

### **Best interests of the child**

**CRC/C/15/Add. 188: para. 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.**

111. The Children Act 1989, which covers children in England and Wales, has as its foundation the requirement that the welfare of the child must be the court's paramount consideration in any decision relating to his or her upbringing. Under the Act, a court must have regard in particular to the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding), his needs and how these are to be met, any relevant personal background, any harm suffered or risk of harm, and the likely effect of a change in circumstances. This has been built on in England and Wales by the Children Act 2004, described in more detail in chapter I, which enshrined in legislation the outcomes the Government wants for every child, and which consultation with children showed they want for themselves: Being healthy, staying safe, enjoying and achieving, making a positive contribution, and achieving economic wellbeing.

112. In October 2006 the Government in England published *Care Matters*, a consultation on improving the outcomes for looked after children, and has published its subsequent policy strategy in June 2007. *Care Matters: Time for Change* sets out plans for making sure the interests of looked after children are given priority in all aspects of their lives. These include giving them priority in school admissions, additional funding for each child to provide personalised educational support, a named health professional for each child to co-ordinate their health needs, and specialist training for carers and social workers to meet individual needs.

113. For Scotland, a similar focus on the paramountcy of the welfare of the child throughout childhood lies at the heart of the Children (Scotland) Act 1995 in respect of decisions by local authorities, service providers, Children's Hearings and courts.

114. The Children (Northern Ireland) Order 1995 also centres on the paramountcy of the welfare of the child ensuring that any decisions about a child promote his/her welfare and are in his/her best interests. In developing new policy and legislation, the Assembly seeks to ensure

compatibility with these principles. New adoption legislation, for example, will place the child at the centre of the adoption process. The Department of Health, Social Services and Public Safety (DHSSPS) have also made arrangements to audit the existing public law aspects of the Children (Northern Ireland) Order 1995 and associated regulations to examine compatibility with the international standards set out in UNCRC and ECHR. Within the criminal justice system, the government in Northern Ireland believes that the spirit of the Convention is incorporated in Northern Ireland legislation, policy and practice. The Northern Ireland government prefer the term welfare of the child to the term best interests, as it is better defined and understood in law. In particular Section 53 of the Justice (Northern Ireland) Act 2002 requires all persons exercising functions in relation to the youth justice system to have regard to the welfare of children affected by the exercise of their functions with a view to furthering their personal, social and educational development.

### Right to life

**CRC/C/15/Add. 188: para. 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.**

115. The Northern Ireland Office established a steering group to examine alternative approaches to the management of conflict. This group's aim was to establish whether or not an acceptable, effective and potentially less lethal alternative to the L21A1 baton round was available. This has resulted in the development of two new projectiles: the Attenuating Energy Projectile (AEP); and the Discriminating Irritant Projectile (DIP). Whilst the DIP is being developed to a longer time frame, the AEP came into service in summer 2005. AEP represents another significant step to ensure that the police are provided with systems which remain effective but which are considerably less likely to cause serious injury in the event of impacting upon vulnerable areas of the body. The AEP had been fully evaluated by an independent medical committee before introduction. The guidance for the AEP round makes clear that every effort should be made to ensure that children are not placed at risk by its use.

116. Since it was introduced in 2005 in Northern Ireland, there have been 421 discharges of AEP at identified violent individuals during serious disorder in Northern Ireland, when police and Army came under sustained attack, involving petrol bombs, blast bombs and automatic gunfire. All of these incidents occurred during the marching season between July and September 2005. Fortunately, there has been no requirement to discharge impact rounds since that date.

117. Within 24 hours of an incident where AEPs are discharged, the Police Service of Northern Ireland (PSNI) supply a report on the incident to the Northern Ireland Policing Board. In addition, each time the system is used, the circumstances are investigated by the independent Police Ombudsman, who reports her findings to the Policing Board.

## Respect for the views of the child

### **CRC/C/15/Add. 188: para. 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.**

118. Research carried out with children & young people in England found that just under half (44%) of children and young people felt that they were not given enough respect and understanding by adults. Whilst youth workers and community development workers were perceived as giving the most respect, politicians and teachers were perceived as giving the least. The research also found that children of all ages wanted to be informed and involved in decision-making concerning their families, education, care and politics.

119. The 2003 Citizenship survey, carried out among 2,698 children (aged 8 to 15), found that 925 felt that their opinions were taken into account by their family, 64% felt they could influence decision in their school, 33% felt that they could influence decisions affecting their local area, while 15% felt that they could influence decisions affecting the country.

120. Since 1999, the UK Government and devolved administrations have made the participation of children and young people a priority, enabling policy development and delivery to be driven and informed by their views at all levels - nationally, locally and in schools, as well putting mechanisms in place which increase the involvement of vulnerable young people in the decisions that affect them.

### *Promoting, facilitating and monitoring participation at all levels*

121. Since 1999, the UK Government has taken a number of steps to facilitate participation at the local level and in schools. In line with the recommendations of the Committee, this has frequently involved introducing into legislation requirements regarding the views and participation of children and young people. Other ways in which the UK Government has facilitated and promoted participation include the development of participation resources and guidance for those working with children and young people, and the setting up of local funds over which young people have control.

122. Section 53 of the Children Act 2004 amends sections 17, 20 and 47 of the Children Act 1989, and requires that, when working with children in need, their wishes and feelings need to be ascertained and used to inform decision making. To underpin this, the Government funded

the development of *Say it your own way: children's participation in assessment*, a resource pack designed in particular to give practical support to practitioners conducting assessments and drawing up subsequent care plans.

123. A statutory duty has been placed on key public sector organisations in Scotland, by means of the Local Government in Scotland Act 2003, to initiate and facilitate a Community Planning process for their area. Evidence shows that children are keen to participate and there are several examples of Community Planning Partnerships which have set up themed groups specifically to deal with issues important to children and young people.

124. Across Scotland, Dialogue Youth Units, based in all local authorities, connect young people with their communities and engage them in the Community Planning process by linking with local youth forums, pupil councils and other youth participation structures, such as the Scottish Youth Parliament. *Being young in Scotland 2005* was commissioned to look in more detail at the patterns of participation. One key finding was that participation rates (in a range of activities across youth work, arts, culture and sports) steadily fall from the start of secondary school, rise when a young person leaves school and then fall again. None of the activities young people were asked about showed increases in popular participation between the ages of 11 and 16, suggesting that if young people are not engaged by 11, it is unlikely that they will start participating in these kinds of activities. Increasing meaningful participation by young people therefore remains a significant challenge in Scotland and one that we are committed to taking forward through the Youth Work Strategy and by working with and listening to young people and the organisations that represent them.

125. In England and Wales there is a statutory requirement, flowing from the Children Act 2004, for local authorities to consult children and young people in the preparation of their strategic Children and Young People's Plan. Research into the first Children and Young People's Plans in England shows that local authorities are making a real commitment to the involvement of children and young people and are developing lasting structures and practices which put young people at the heart of both policy and practice.

126. The Childcare Act 2006 requires local authorities in England, when discharging their new duty to promote the wellbeing of young children, to have regard to such information about the views of young children as is available to them and appears to them to be relevant.

127. Providing more and better positive activities for young people is at the heart of the governments' plans for radical reform of support services for young people. There is a new duty on local authorities to secure access for young people to positive activities. This duty, in the Education and Inspections Act 2006, requires local authorities to take steps to ascertain the views of young people in their area regarding existing positive activity provision, the need for additional activities and facilities, and their access to provision, and to act on these views in their provision of positive activities.

128. The government has already provided £115 million through Youth Opportunity and Youth Capital Funds for young people to spend on positive activities in their area, to be spent between April 2006 and March 2008. Young people must make the decisions on how these funds are spent. In the first year of operation of the funds, over 12,000 activities and facilities have been provided. Over 650,000 young people have participated in the use of the funds, including 8,253

acting as grant givers and decisions makers on the use of the funds and 73,017 acting as project leaders or successful applicants to the funds - 44% of this latter group were from disadvantaged backgrounds.

129. The 'Big Deal', a strand of funding linked to the National Lottery, has funded Youthnet and Playboard to create a Participation Hub to deliver a coherent approach to the participation of children and young people in Northern Ireland. The Children and Young People's Unit in Northern Ireland has also allocated £150,000 per year to establish a participation network. This will work in tandem with existing or planned participation structures, including a Participation Hub. Emerging structures will include the Northern Ireland Network for Youth which will be established to strengthen the direct voice of young people in all relevant aspects of government provision.

130. The UK Government has also funded the development of an online gateway, [www.participationworks.org](http://www.participationworks.org), which brings together information, access to a participation network, good practice, research, and participation standards, for all professionals who need information and advice on effective participation. The Government has also funded the development of a set of training and tools (Ready Steady Change) for adults and young people to increase children's and young people's participation in decision-making. The basis of this resource is the UNCRC, and the material has been distributed to every local authority in England.

131. In 2002, the Children and Young People's Participation Consortium was established in Wales, to share ideas and good practice, and to support a co-ordinated approach across statutory and voluntary organisations. The Welsh Assembly Government provides core funding for a Participation Unit to support the Consortium's work. New national standards for children and young people's participation were launched in January 2007. The National Standards provide a means of inspecting and assessing participatory practice. They have been piloted with children and young people, and endorsed by Funky Dragon (the Children and Young People's Assembly for Wales) and by the Welsh Assembly Government. Work is underway to raise awareness of the Standards and to encourage organisations to use them for self-assessment of their current practice. The Participation Unit is also exploring the development of quality assurance or kite-marking schemes associated with the Standards.

#### *Schools and school councils*

132. The UK Government has established a range of mechanisms, guidance and legal requirements which mean that pupils' views and interests are heard, valued and acted upon in the school context.

133. In Wales, school councils have been a statutory requirement in all maintained primary (apart from nursery and infant schools), secondary and special schools in Wales since 1 November 2006. In England, the Government has pledged, in *Higher Standards, Better Schools for All* to encourage schools to involve pupils - via school councils - in decision-making. This will involve updating the guidance entitled '*Working Together - giving children and young people a say*', which provides a basis for how best to involve children and young people in all aspects of the life of the school, with examples of good practice. The DCSF has asked Professor Geoff Whitty, from the Institute of Education in London, to conduct a review of school councils. The report will inform the revised guidance by reviewing current practice, identifying drivers

and barriers to change, providing examples of good practice and making recommendations about the place of school councils in school decision making and school improvement. The final report will be published in summer 2007.

134. In Northern Ireland, there is no formal policy on school councils. However, the Commissioner for Children and Young People for Northern Ireland has produced a guide for schools on the development of school councils called *Democra-School*. This is in keeping with the promotion of the greater participation of young people in both their formal and non formal education and is fully supported by the Department of Education. The report was launched by the Minister for Education in May 2007

135. The Government has supported and funded School Councils UK (SCUK) to promote and facilitate effective structures for pupil participation in every school. Over 160 education professionals have been trained on the SCUK *Training the Trainers* programme, a national training standard for school councils. SCUK produces resources for teachers and pupils who are involved in setting up and developing school councils, including toolkits, videos, posters, badges and a School Councillor Handbook. These resources are used in over half of UK schools. SCUK also facilitates a national Network of over 2,500 school councils that links students and teachers, enabling the sharing of ideas, supporting each other and celebrating success.

136. Recent school monitoring surveys by the Qualifications and Curriculum Authority, and by the National Foundation for Educational Research, reported that 96% and 73%, respectively, of secondary and primary schools were operating a school council.

137. Since 1999 the UK Government has introduced into law a number of requirements regarding the views and participation of children in schools in England including:

- The Education and Inspections Act 2006, which provides that a governing body must have a school behaviour policy, and requires them to consult pupils before making or revising that policy;
- The Education Act 2002, which provides that guidance relating to duties performed by the local authority must provide for pupils' views to be considered in light of their age and understanding;
- The Education Act 2005, which requires inspectors to have regard to views of registered pupils when conducting school inspections.

138. In other educational institutions, new regulations are being introduced to ensure that there at least two student governors for every Further Education college in England.

139. Participation by children in pupil or student councils in Scotland is at a relatively low level of frequency. While 87% of schools have pupil councils (90% of primary, 95% of secondary and 36% of special schools), only around 6% of school pupils in Scotland say that they attend councils at least once every couple of months. This doubles to 12% of 17-25 year olds. To help address this, the Scottish Executive published in December 2006 an introduction to good practice exploring what teachers, school communities and education authorities are doing to promote children's participation in decision-making and school life, including pupil councils.

140. Further information on advocacy and legislative safeguards for looked after children can be found in Chapter V.

*Children participating in court proceedings*

141. Following on from the Thompson & Venables case in 1993, the *Practice Direction (Crown Court: Young Defendants)* [2000] 1 WLR was issued, covering England and Wales. The overriding principle of the Practice Direction was that the trial process should not expose juvenile defendants to avoidable intimidation, humiliation or distress. The Practice Direction directed that the trial should, if practicable, be held in a courtroom in which all the participants are on the same or almost the same level. A juvenile defendant should normally, if he wishes, be free to sit with members of his family or others in a place which permits easy, informal communication with his legal representatives and others with whom he wants or needs to communicate. A new Consolidated Criminal Practice Direction was issued in April 2007. The new Practice Direction takes account of the ECHR case of SC vs. UK and the amendment by the Police and Justice Act 2006. It requires the court to take account of the defendant's age and maturity and of his or her ability to understand what is going on when making arrangements for trial.

142. A key aspect of the Children Act 1989, covering children in England and Wales, is the emphasis that it places on ascertaining the wishes and feelings of children who are the subject of family court proceedings concerning the upbringing of children. In practice, this responsibility is fulfilled in part by the Children and Family Court Advisory and Support Service (CAFCASS & CAFCASS Cymru in Wales), whose functions include the safeguarding and promotion of the welfare of children and the making of provision for them to be represented in proceedings in which they are parties. While, in the past, children who are the subject of 'private law' proceedings, initiated in the main by parents following divorce or separation, have not been parties in the proceedings, since 2004, the number of children who are separately represented in such cases has more than doubled (to about 1,200 cases a year). In addition, both CAFCASS and CAFCASS Cymru have placed increased emphasis on ensuring that children are engaged with directly by their staff, and that their views are represented to the court. To this end, CAFCASS has appointed a Children's Rights Director focused on those children who come into contact with CAFCASS and the family courts, who has overseen, in 2007, the publication of a 'Views, Wishes and Feelings' pack, intended for use by CAFCASS staff in working directly with children. These developments are strongly supporting the improved delivery in practice of the requirement set out in the Children Act 1989, that the courts shall have particular regard to the ascertainable wishes and feelings of the child.

143. In Scotland, the Children (Scotland) Act 1995 specifies the child's 12<sup>th</sup> birthday as the age at which a child is presumed to be of sufficient age and maturity to form a view, but the court can and does take into account the views of children younger than this. For example, in family court actions a court should give a child the opportunity to express views on the matter the court is being asked to determine and to have regard to the views expressed. Most concerns about the welfare or behaviour of children in Scotland are dealt with through the Children's Hearings System which is designed to protect and support children. One of the overarching principles that apply to decision making in Children's Hearings is that the child has a voice. In determining

what action is in the child's best interests, children's panel members are required to seek and actively to consider the views of children, taking account of the age and maturity of the child concerned.

144. The Criminal Evidence (Northern Ireland) Order 1999 introduced provisions to assist and protect vulnerable or intimidated witnesses, including children, covering: screening witness from the accused; evidence by live link; evidence given in private; video evidence; and aids to communication.

*Giving weight to children and young people's views*

145. The research carried out with children and young people in England on the UNCRC found that children of all ages wanted to be informed and involved in decision-making concerning their families, education, care and politics.

146. The UK Government and the devolved administrations have put in place children's champions, and have supported the development of structures and organisations which highlight young people's views and interests at the national level. Specifically, following the Children Act 2004, England joined Scotland, Northern Ireland and Wales in appointing Children's Commissioners, whose functions include promoting awareness of the views of children.

147. The UK Government supports and provides funding to a variety of organisations which enable young people to engage with decision-makers. The UK Youth Parliament is given core, participation and regional funding by the Government to enable young people in England aged 11-18 to have a voice. 90% of local authorities are currently represented in the UKYP. In Scotland, there is both a Scottish Youth Parliament and a Children's Parliament, which support children and young people aged 9-25 to engage in democratic processes and debates. In Wales, the Welsh Assembly Government helped to set up, and funds, the Children and Young People's Assembly for Wales (known as Funky Dragon), which has now been in existence for 3 years. Children and young people from Funky Dragon meet annually with Assembly Government ministers to put their questions and concerns.

148. In Northern Ireland, there has been progress in relation to young people's involvement at local council level. For example, Shadow Youth Councils have been developed in Fermanagh and Belfast. In addition, the Department of Education has produced a Strategy for the Delivery of Youth Work in Northern Ireland. Participation is one of four key themes within the strategy, in relation to which the Government's priorities are to play an active role in developing an inclusive forum of young people to advise the Northern Ireland Office (NIO) and Northern Ireland Assembly on policies and practices affecting young people; provide an interface for young people with political representatives, political structures and public bodies; and research the views of young people on key issues and policies affecting them, on a regular basis. Children and young people were also involved in the first and subsequent processes to appoint the Commissioner for Children and Young People for Northern Ireland.

149. A Children and Youth Board has been in operation in England since 2004. This consists of 25 children and young people aged 8-19 who work directly with Ministers and officials on policy development, work that included the appointment of the first Children's Commissioner.



Similarly, in 2003, the Welsh Assembly Government established a participation project designed to build children and young people's participation in decisions which affect their lives into its own internal processes.

150. The UK Government has consulted closely with children and young people on the construction of major policy developments relating to them. For instance, 19,000 young people responded to the Youth Matters proposals, and over 5,000 young people in care responded to the consultation on *Care Matters*. Both of those key policies had extensive consultations with children and young people, including dedicated children's versions and separate publications of their responses. In Scotland, over 2,500 young people responded to the recent Youth Work Strategy consultation.

151. In Wales, development of a national advocacy service has been informed by consultation with over 1,000 children and young people, whose views have been included in the new service model currently out to consultation. In addition, work to develop a National Youth Work Strategy has taken place in two phases, both involving young people. Over 200 young people responded to the initial "conversation" about the shape of the youth service. This was followed by more in-depth work with young people in five local authority areas, to inform the draft strategy. Young people have also been involved in preparing a young people's version of the final Strategy.

152. Chapter VII provides further information on young people's participation in decision making processes on issues such as positive activities, at a local level.

## **B. National programmes**

### **Non-discrimination (art. 2)**

#### *Organisations supporting and leading non-discrimination work*

153. Three organisations in particular are currently responsible for leading work on discrimination affecting children and adults in England, Wales and Scotland.

154. The Equal Opportunities Commission (EOC) is an independent, non-departmental public body established in 1975 to eliminate sex discrimination in Great Britain. Specific statutory duties of the EOC include the promotion of equality between men and women, and children of both sexes generally and the promotion of equality for persons undergoing, having undergone, or intending to undergo gender reassignment.

155. The Disability Rights Commission (DRC) is an independent body established in April 2000 by Act of Parliament to stop discrimination and promote equality of opportunity for disabled people.

156. The Commission for Racial Equality (CRE) tackles racial discrimination and promotes racial equality, including through the provision of guidance to schools and other public bodies in their work with children.

157. From October 2007, a new Commission for Equality and Human Rights (CEHR), established by the Equality Act 2006, will bring together the functions of the three existing key

bodies. The CEHR will also for the first time provide institutional support tackling discrimination on grounds of age, religion or belief and sexual orientation. The CEHR will be addressing the equality needs of children as part of its Strategic Plan.

158. Legislation to create a Scottish Commission for Human Rights was passed by the Scottish Parliament in November 2006. Its overall objective will be to promote understanding and awareness of, and respect for, human rights including those set out in the UNCRC. The Commission will be able to advise the Parliament on legislation and be able to conduct inquiries with legal power to obtain evidence, including the power to enter places of detention. The Commission will also be expected to work closely with the Scottish Children's Commissioner on issues of mutual interest.

159. The Northern Ireland Human Rights Commission, an independent statutory body, was set up in 1999 with a full time Commissioner and a number of part time Commissioners. The Equality Commission for Northern Ireland is a public body with statutory functions which include working towards eliminating unlawful discrimination and to promote equality of opportunity on the grounds of disability, gender, race, age, sexual orientation, marital status, religious belief, political opinion and those people with/without dependents. The Equality Commission for Northern Ireland is a public body with statutory functions, which include working towards the elimination of unlawful discrimination and the promotion of equality of opportunity on the grounds of disability, gender, race, age, sexual orientation, marital status, religious belief, political opinion and those people with/without dependents. The Commission also has responsibilities under Section 75 of the Northern Ireland Act in relation to assisting and guiding public authorities in implementing their statutory equality obligations arising from Section 75, and monitoring compliance with the legislation.

## **The right to life, survival and development (art. 6)**

### *Infant mortality*

160. The national health inequalities target seeks to reduce inequalities in infant mortality and life expectancy in England by 2010. While infant mortality rates continue to fall for all social groups, the gap between social groups has widened since the target baseline (1997-99) although this gap no longer appears to be widening. A review of the target, published in February 2007, shows that among the most effective measures for reducing infant mortality in disadvantaged groups are reducing teenage pregnancy, reducing smoking in pregnancy, and improving early ante-natal booking rates among the target group. The issues being tackled, alongside *Maternity Matters* and other strategies are described elsewhere in this report. An implementation plan on the review findings is due to be published later in 2007.

### *Antenatal and newborn screening programmes*

161. The aims of all antenatal screening programmes in England are to give information to women and their families to make informed choices. The programmes include screening for Down's Syndrome, foetal anomaly, infectious diseases, Sickle Cell and Thalassaemia. Early treatment of identified conditions can reduce infant deaths and prevent severe disability. For example, sickle cell disease screening is identifying around 300 affected babies a year.

162. Antenatal Screening Wales manages the Antenatal Screening Programme in Wales, which includes screening for Down's Syndrome, infectious diseases, and inherited conditions of red blood cells. Antenatal Screening for Sickle Cell and Thalassaemia are also offered to women with a higher risk of pregnancy or sickle cell disorder.

163. Programmes in Northern Ireland include screening for foetal anomaly and infectious diseases. Screening for hearing defects are carried out within one month of birth, with around 25-30 children with hearing loss being identified each year. Newborns are screened at less than 72 hours and again between 6-8 weeks of life for vision defects, hip, heart and testes problems. Newborn blood spot screening is also carried out to identify babies who may have rare but serious conditions. Early treatment can reduce infant deaths and prevent severe disability, for example, cystic fibrosis.

164. In England, access to health services and advice for parents of young children is available through the growing network of Sure Start Children's Centres and extended schools, bringing services together to help parents more easily meet their child's needs. Similar arrangements exist for the Integrated Children's Centres in Wales.

165. In Scotland pregnancy screening aims to enable women and their partners to make an informed choice about continuing the pregnancy, or to accept treatment at an early stage when it is likely to be more effective. Programmes include screening for HIV, Down's syndrome, neural tube defects, hepatitis B, syphilis and Rubella. The newborn programme includes screening for Phenylketonuria, Congenital Hypothyroidism and Cystic Fibrosis. In December 2005, Universal Newborn Hearing Screening (UNHS) was in place across Scotland.

#### *Child immunisation*

166. The *National Service Framework (NSF) for Children, Young People and Maternity Services* for England reinforced the importance of following up children who failed to attend for a scheduled immunisation. It set out the need for contacts with children and young people to be used as a basis to check immunisation status and provide immunisation opportunistically. In Wales, the Childhood Immunisation Programme is the same as in England. The *NSF for Children, Young People and Maternity Services in Wales* contains specific standards for the universal services which all children and young people in Wales should receive in order to achieve optimum health and well being.

167. Important changes to the Childhood Immunisation Programme were introduced in 2006 in Scotland, including the introduction of a new vaccine to protect against pneumococcal infection; a pneumococcal vaccination catch-up programme; amending the MenC vaccination schedule to give two doses of vaccine in the first year of life, and a booster dose in the second year; and the addition of a booster dose of Hib vaccine in the second year of life. To support the new changes to the childhood immunisation schedule, NHS Health Scotland has produced a range of information resources. New leaflets and factsheets, for all those involved in advising about immunisation or affected by it, including health visitors and practice nurses were widely distributed - and this activity was further supported by a television and radio publicity campaign.

168. In the long term the UK aims to achieve immunisation rates of 95% (or higher) for all routine childhood vaccinations.

### *Accident prevention*

169. Accidents, predominantly road accidents, are one of the leading causes of death for children in the UK. In 2005, 28,126 children aged 0-15 were injured in road accidents in Great Britain against the average for 1994-1998. In addition to continuing road safety campaigns (including communication directed at children, work with schools and stricter controls for drivers), a strategy for safeguarding children and young people in England, Scotland and Wales was launched in February 2007. A Child Safety Action Plan for Scotland covering all forms of accidental injury is also being taken forward by The Royal Society for the Prevention of Accidents and the Child Accident Prevention Council as part of a European Child Safety Alliance initiative.

170. In November 2002 in Northern Ireland, Government launched the Northern Ireland Road Safety Strategy 2002-2012. The strategy contains 26 action measures aimed specifically at children, including educating children to behave safely on the road and making home to school travel safer. In 2005, 129 children aged 0-15 were killed or seriously injured in collisions in Northern Ireland. This represents a reduction of 48% against the average for 1996-2000.

### **C. Statistics and resources**

171. Further statistical information related to this chapter is available in Annex 1.

### **D. Factors and difficulties**

#### **Tackling inequalities in infant mortality**

172. A particular challenge affecting children is the continuation of a social class-related gap in infant mortality rates. While all classes have benefited from the sharp reduction in infant mortality rates across the past generation, efforts to ensure that class-related differences are reduced have had only limited success. This is why in England the development of public services has been on the principle of 'progressive universalism', the idea that access to key public services should be available to all, but those with greater needs should be actively targeted with specific additional help.

173. In Scotland the principle is exemplified in the implementation, by the end of 2007, of the Health for All Children (Hall 4) recommendations. Hall 4 is based on the principle of universal access to NHS services, but recommends that the way in which those services are delivered must be tied much more closely to the identified need.

#### **Discrimination and community cohesion**

174. Considerable progress has been made during the period since the previous report, with particularly robust action having been taken to tackle race inequality and to increase community cohesion. Despite this, there are still too many communities who experience disadvantage in comparison to the rest of society. Narrowing the gaps between these communities and others will require longer term concerted action, involving both government and citizens.

## CHAPTER IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and 37 (a))

175. Core civil rights and freedoms for children and young people in the UK are those set out in the European Convention on Human Rights, which are enshrined in UK law through the Human Rights Act 1998. In addition, the UK Government has set in place, and keeps under review, a range of measures to provide additional protection for the rights and freedoms of children.

### A. Concluding observations - follow-up

#### Name, nationality and preservation of identity

**CRC/C/15/Add.188: para. 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.**

176. All births in the UK have to be registered, so that every child has a name and a claim to nationality within 42 days of birth. In England and Wales prior to the Adoption and Children Act 2002, adults adopted as children had been able to apply to the Registrar General for their original birth certificate and to their adoption agency for access to information about their family history at the agency's discretion. Adults adopted as children and adult birth relatives of children adopted before 30 December 2005 are now also able to request a regulated intermediary service to trace their relatives and to facilitate contact. Adults adopted as children are able to register a veto with the adoption agency where they have no wish for contact or to be approached by an intermediary agency in relation to contact with birth relatives, or to specify that they only wish to be approached in particular circumstances.

177. For adoptions that took place after 30 December 2005, the adoption agency is now the main gateway for access to information, including birth information (which the adopted person may only require from the adoption agency as of right when they reach the age of 18). An increasing proportion of adoptions now involve very vulnerable children who were placed into the care system as a result of abuse or neglect by their birth families. The new legal framework also reflects the increased culture of openness in adoption practice but also restricts the disclosure of information identifying individuals, recognising that checks and balances are essential to safeguard all concerned.

178. For children conceived from sperm donations, the (Human Fertilisation and Embryology) Disclosure of Donor Information Regulations 2004 gave access to identifying information about their donor to those conceived from donations made from 1 April 2004. Donors who donated before that time can opt to become identifiable. Donor-conceived individuals aged 18 or older can apply to the Human Fertilisation and Embryology Authority (HFEA) for this information, which HFEA holds on its register. For donor-conceived children born before the HFEA's register began, the Department of Health funds a voluntary contact register, where links between donors, donor-conceived people and half siblings can be sought through DNA testing.

**Torture or other cruel, inhuman or degrading treatment****CRC/C/15/Add.188: para. 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.**

179. The UK has reviewed the use of restraints and solitary confinement to ensure they are not used unless absolutely necessary. In 2006, the Youth Justice Board for England and Wales issued a code of practice on *Managing Children and Young People's Behaviour in the Secure Estate*. This made clear that young people should be removed from their normal location only if their continued presence would be a threat to the good order or discipline of an establishment or if the removal would benefit the young person in bringing their behaviour under control. Under the Code, restrictive physical intervention may only be used as a last resort, carried out with minimum force for the shortest duration possible; there must be clear links between physical intervention policy and child protection procedures.

180. In Scotland, it is policy that children should not be restrained or held in solitary confinement unless absolutely necessary for their own safety, or the safety of others. To help facilitate this, the Executive supported the publication in 2005 of *Holding Safely - A Guide for Residential Child Care Practitioners and Managers about Physically Restraining Children and Young People* by the Scottish Institute for Residential Child Care.

181. In Northern Ireland, the Education (Northern Ireland) Order (1998) authorises school staff to use reasonable force to restrain or control pupils in certain circumstances, notably in a situation where the pupil is likely to cause serious harm to themselves, to other pupils, school staff or school property. In addition, all staff in the Juvenile Justice Centre in Northern Ireland who work directly with children complete Therapeutic Crisis Intervention training to give them the skills to de-escalate volatile situations without physical restraint.

**Corporal punishment****CRC/C/15/Add.188: para. 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.**

182. Under UK law no one may be subjected to torture, inhuman or degrading treatment or punishment. Corporal punishment is unlawful in all schools and children's homes.

(a) *Reasonable punishment*

183. Section 58 of the Children Act 2004, which covers the English and Welsh jurisdictions, abolished the defence of reasonable punishment for offences charged as assault occasioning actual bodily harm, grievous bodily harm or cruelty to children. The UK Government took the view that it would be inappropriate potentially to criminalize responsible parents by removing the defence in cases of common assault, which in English and Welsh law need not result in any kind of injury to be an unlawful act. At the same time as removing the defence for assault occasioning actual bodily harm, the Director of Public Prosecutions issued revised guidance to prosecutors, requiring circumstances such as the relative disparity between alleged assailant and victim, to be taken into account when considering the initiation of prosecutions. The Government made clear it would review the practical consequences of these changes to the law two years after its commencement: the review has now (June 2007) been launched and is expected to be concluded later in 2007. The Welsh Assembly Government has already committed itself to supporting a ban on physical punishment of children and has funded publication of a booklet *Help in Hand* given to all new parents that advises on positive ways of dealing with behaviour and avoiding smacking.

184. Article 2 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order (2006) which replicates section 58 and provides for the restriction of the defence of reasonable chastisement to the summary charge of common assault and precludes the use of the defence in civil proceedings where the harm alleged amounts to actual bodily harm. As in England and Wales, Article 2 is underpinned with prosecutorial guidance. The direct rule administration under the Secretary of State considered that Article 2, coupled with the prosecutorial guidance and the ongoing work on positive parenting, offers the best prospect of securing real and significant change on the ground in terms of the use of alternative methods of discipline. An information campaign has been initiated to increase parents' awareness of the alternatives to physical punishment and encourage professionals to highlight alternatives. Guidance has been issued to professional groups within the Health and Personal Social Services (HPSS) on the change of law and the importance of promoting positive parenting initiatives. A short booklet has issued for parents, entitled "*Top Tips for Parents: Your Guide to Positive Parenting*", which sets out ways of managing behaviour and identifies sources of help and support. The legislation is currently subject to a Judicial Review brought by the Commissioner for Children and Young People for Northern Ireland.

185. In 2003, changes to the law in Scotland relating to the physical punishment of children were brought about following detailed public consultation and thorough Parliamentary scrutiny. Section 51 of the Criminal Justice (Scotland) Act 2003 prescribes a test which the Scottish Courts must apply when considering whether the physical punishment of a child was justified. The section further sets out the circumstances when such punishment is never reasonable. The Scottish Executive produced a booklet; *Children, physical punishment and the law* which both explained the changes in law to parents and encouraged positive discipline and parenting. This leaflet is designed as an information tool and a deterrent to the use of physical punishment.

*(b) Promotion of positive, participatory and non-violent forms of discipline*

186. Since 2002 in Wales and 2003 in England, corporal punishment has been explicitly prohibited in all registered childcare settings in which young children under the age of 8 are cared for, including by childminders on domestic premises. The Education and Inspections Act 2006, covering England and Wales, includes a chapter of law on school discipline, clarifying and strengthening schools' powers to discipline pupils, and introducing measures to enforce parental accountability and improve arrangements for excluded pupils.

187. The UK Government encourages non-violent parenting by supporting positive parenting, especially through the Sure Start programme and projects to help first time mothers. It is building on this work through the creation of a National Academy for Parenting Practitioners, which from autumn 2007, which will play a key role in improving practice, training and support for the parenting workforce.

188. The Government is investing £70 million over 2 years from April 2006 to fund new measures related to supporting parents. Positive parenting is also actively promoted by the Assembly Government in Wales, which strongly discourages physical punishment, and which has taken steps to inform parents about alternatives to physical discipline. The Scottish Executive has produced information for parents to explain the law and encourage the use of positive discipline. In Scotland, physical punishment by childminders and in non-publicly funded pre-school centres was banned by regulations under the Regulation of Care (Scotland) Act 2001.

189. In Northern Ireland the prohibition on using corporal punishment in education was extended to independent schools by legislation from 1 April 2003 under the Education and Libraries (Northern Ireland) Order (2003). Corporal punishment is now outlawed in all schools, both grant aided and independent. The Department for Health, Social Services and Public Safety has issued a 'Safe Parenting Handbook' which advises parents on how to discipline children effectively and safely. The Department of Education will also be consulting with key stakeholders on introducing legislation that will prohibit the use of physical punishment by childminders.

**B. National programmes - update****Name and nationality**

190. All births in the UK are required to be registered within 42 days of birth, so that every child has a name and nationality. Where there is a question over paternity, the British Nationality (Proof of Paternity) Regulations 2006 specify the means by which paternity can be established. The regulations state the person must be named as the father of the child in a birth certificate issued within one year of the date of the child's birth; or the person must satisfy the Secretary of State that he is the father of the child. This may be done by way of any evidence which he considers to be relevant, including, but not limited to, DNA test reports and court orders.

191. The Adoption & Children Act 2002 amends the British Nationality Act 1981 to allow for the automatic acquisition of British citizenship where the adopter is a British citizen and both adopters are habitually resident in the United Kingdom. Minors born in the UK on or after 30 April 2006 to a European Economic Area (EEA) or Swiss National parent who has, by



the time of the birth, been exercising EEA free movement rights in the UK for a continuous period of at least 5 years will have an automatic claim to British citizenship. Minors born in the UK before 30 April 2006 to an EEA or Swiss National parent who has been exercising EEA free movement rights in the UK for at least 5 years will, from the end of that period (if on or after 30 April 2006), have an entitlement to registration.

192. The British Overseas Territories Act 2002 extends British citizenship, together with the right of abode in the United Kingdom, to people in the Overseas Territories who qualify for it. Citizenship can now be acquired by descent from a parent born in an overseas territory and the registration provisions for the children of British citizens by descent were extended to those with a connection with an overseas territory. Additionally, from 2003 the British Nationality Act 1981 gave British Overseas citizens, British subjects and British protected persons an entitlement to register as British citizens if they do not have another citizenship or nationality. This can include children. The Nationality, Immigration and Asylum Act 2002 Act amended the British Nationality Act 1981 so that a child applying for registration on the basis of statelessness no longer needs to be over the age of 10.

### **Freedom of expression**

193. Freedom of expression under Article 10 of the European Convention on Human Rights (ECHR) is given effect in UK law under the Human Rights Act 1998, which applies equally to adults and children.

194. The Terrorism Act 2006 makes it a criminal offence to publish a statement which directly or indirectly incites or encourages others to commit acts of terrorism or certain specified offences. The government has produced a separate code of practice for the detention, treatment and questioning of persons arrested under terrorism provisions, ensuring that when police interview anyone under the age of 17, the well-being and rights of the interviewee are given the highest priority, and the interviewee must be accompanied by an appropriate adult.

### **Freedom of thought, conscience and religion**

195. Article 9 of the ECHR, which provides for the right to freedom of thought, conscience and religion, is given effect in UK law by the Human Rights Act 1998. This guarantees that people (including children) in the UK can think what they want and can manifest their religious beliefs. Maintained schools in England are required to provide religious education. For most maintained schools, the syllabus is determined by the local Standing Advisory Council on Religious Education (SACRE), and has to be 'wholly or mainly Christian in character' while taking account of the other principal religions in Great Britain. For voluntary-aided schools with a religious character, the governors of the school set the religious education syllabus in accordance with the tenets of the school. All maintained schools are also required to provide daily collective worship. Parents of children attending any maintained school retain the right to withdraw their children from religious education and daily collective worship. Pupils aged 16 or older can exempt themselves from collective worship or opt in, even if their parents object.

196. All grant-aided schools in Northern Ireland are required to provide collective worship and Religious Education (RE) in accordance with the core syllabus specified by the Department of Education. Legislation provides that the Department can only specify a core syllabus that has

been prepared and agreed by a specially appointed drafting group, comprised of the four main churches (Roman Catholic, Church of Ireland, Presbyterian and Methodist). Based on this core syllabus, schools are then free to build upon it in a way that suits the needs of their pupils and the ethos of the school. Parents have the right to withdraw their child from part or all of RE teaching and collective worship.

197. The Equality Act 2006 requires educational establishments, apart from publicly funded faith schools, not to discriminate against a pupil on grounds of religion or belief by affording or refusing access to any benefit, facility or service, or subjecting him or her to any detriment. Unlike all other publicly funded schools, faith schools can refuse entry on the grounds of religion or belief. The Education and Inspections Act 2006 requires English local authorities to have regard to religion or belief in organising travel provision.

198. Freedom of religious expression allows any member of a church or faith to practise their religion. None of the world faiths or the use of any language are prohibited in Scotland. The *One Scotland Many Cultures* campaign promotes the value of a diverse Scotland. The Education (Scotland) Act 1980 imposes a statutory duty on local authorities to provide religious education and religious observance in Scottish schools. Scottish Ministers believe that religious and moral education, complemented by religious observance, makes an important contribution to the personal and social development of our children as informed and responsible citizens. The aim of religious and moral education in Scotland is to recognise religion as an important expression of human experience; appreciate moral values such as honesty, liberty, justice, fairness and concern for others. Parents have a legal right to withdraw their children from religious and moral education and religious observance. Where a child is withdrawn, schools should make suitable arrangements for the child to participate in a worthwhile alternative activity.

### **Freedom of association and of peaceful assembly**

199. In England and Wales, the Anti-Social Behaviour Act 2003 includes powers for the police to deal with anti-social behaviour, to disperse groups of people of any age who are causing intimidation, harassment, alarm or distress to others and to return young people under 16 who are unsupervised in public places after 9 pm to their homes. These powers are limited to areas where anti-social behaviour is a problem. A similar power of dispersal was introduced in Scotland through the Antisocial Behaviour etc (Scotland) Act 2004. Police have the power to disperse where groups are causing alarm or distress, but not to return children home.

### **Protection of privacy**

200. In its concluding observations on the UK's last report, the Committee made particular points about the privacy of children in conflict with the law, which are addressed in chapter VIII of this report.

201. In Northern Ireland, in all criminal cases, a child's right to privacy is protected under statute unless disclosure is deemed, by the court or the Secretary of State, to be in the public interest. The civil (rather than criminal or penal) process under which anti-social behaviour orders operate also provides courts with the discretion to apply reporting restrictions in cases involving children. Reporting restrictions may also be imposed in cases involving adult offenders where there is a risk of children and other vulnerable witnesses and victims being identified.

### **Access to appropriate information**

202. The Freedom of Information Act 2000 came into force on 1 January 2005 and applies to all public authorities that are listed in the Act. It provides for the right of wide general access to information held by those authorities subject to clearly defined exemptions and conditions. The Act applies to England, Wales and Northern Ireland. The Freedom of Information (Scotland) Act 2002 makes similar provisions for Scotland.

203. The Northern Ireland Office (NIO) has funded a child-focused and child-friendly website, [www.littlebookofstuff.org](http://www.littlebookofstuff.org), which went live at the beginning of January 2007, to provide all children within Northern Ireland with easy access to a wide range of information and in particular to signpost children to the many services available to them and places to go if they are worried or in trouble.

204. When asked in the *Youth Matters* Green Paper how they would like to receive information, young people's top two answers were face-to-face and through the Internet. Research commissioned by DCSF to support this report shows that most young people receive information about what's going on in the world from television (90%), newspapers and magazines (59%) and radio (47%). Family and friends were the next most important sources, cited by 44 per cent and 40 per cent of respondents respectively.

205. The work of the UK Government to support libraries is described in chapter VII of this report. Inappropriate material on the internet, including child pornography and use of the Internet for child abuse, is covered in chapter VIII.

### **The right not to be subjected to torture or other cruel, inhumane or degrading treatment or punishment, including corporal punishment**

206. Please refer to paragraphs 5 to 15 above.

### **C. Statistics and resources**

207. The large-scale online survey of children, commissioned by DCSF to support this report, found that 83% of respondents felt that their privacy is respected always or most of the time. Views about privacy change with age with 60% of under-12s reporting that they always have privacy compared with 35% of 16-17 year olds. However, children's and young people's view on respect for privacy in schools and colleges was less favourable.

208. However, many young children reported watching TV in their bedrooms late at night without their parents knowing, some appearing to have been quite disturbed by images they had viewed. Within the school environment, participants reported strict controls enforced on Internet usage. Many found them over-restrictive. In addition, a very high percentage of young people believe that the media represents them as anti-social and as a group to be feared but hardly ever as a group to be trusted.

209. Further statistical information related to this chapter is available in Annex 1.

#### **D. Factors and difficulties**

210. There are some key competing tensions in areas covered by this chapter including:

- Minimising the use of restraint in secure settings, but keeping it as a measure of last resort for the safety of the children themselves and those around them;
- Constraining physical punishment and promoting alternative forms of discipline whilst respecting parents' judgement about appropriate discipline for their own children;
- Balancing young people's right to peaceful assembly with legitimate concerns, including those of young people, about community safety.

#### **CHAPTER V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE (arts. 5, 9-11, 18 paras. 1 and 2, 19-21, 25, 27 paras. 4, and 39)**

211. The UK Government and the devolved administrations believe that every child should enjoy a supportive, nurturing home environment regardless of their circumstances, and have worked to give full effect to the Convention rights to that end. In its response to the UK's 1999 report, the Committee drew particular attention to the need to strengthen arrangements for safeguarding children from abuse and neglect.

212. This is at the heart of the Every Child Matters programme in England, described in Chapter I, which is matched by parallel strategies in each of the other nations of the UK. *Every Child Matters*, which relates to England, was originally published in September 2003, following Lord Laming's report into the death of Victoria Climbié, which emphasised the importance of close working across organisational boundaries.

#### **A. Concluding observations - follow-up**

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

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.**

*(a) Introducing a statutory requirement for child death inquiries*

213. In England, from 1 April 2008 each Local Safeguarding Children Board (LSCB) will be required by law to carry out the following two interrelated functions relating to child deaths:

- A rapid response by key professionals working together to enquire and evaluate every unexpected child death; and
- An overview of all child deaths, to be undertaken by a panel of professionals working in the LSCB area.

214. Either of these processes can also trigger a Serious Case Review (SCR), which is carried out in circumstances where abuse and/or neglect is known or suspected to be a factor in the death of, or serious injury to, a child. Chapter 8 of *Working Together to Safeguard Children* sets out the criteria for undertaking a SCR and explains their purpose in learning lessons in order to improve inter-agency practice so that the welfare of children is safeguarded and promoted.

215. Local authorities across the UK have long been expected to undertake a form of review where a serious incident has occurred and abuse and neglect are considered to be a factor. From April 2006, the carrying out of these reviews in England and Wales has become the statutory responsibility under the Children Act 2004, of Local Safeguarding Children Boards (LSCBs).

216. The Welsh Assembly Government has asked the National Public Health Service (NPHS) for Wales to undertake a feasibility study on how child death inquiries might be taken forward in Wales. A detailed options and costing study is being undertaken during 2007-08, and because of the scale of the task it is likely that a comprehensive scheme for child death reviews will be introduced, at the earliest, in 2008-09.

217. In Northern Ireland, a Child Death Review Protocol has been developed which outlines the responsibilities of statutory agencies and professional staff when dealing with the sudden or unexpected death of a child. The Protocol was drafted by a multidisciplinary regional working group and a period of widespread consultation has ended. It is anticipated that the final document will be published later in 2007.

218. The Scottish Executive has recently issued revised guidance to child protection committees on how to conduct a Significant Case Review, following a consultation on this topic. The guidance sets out criteria and suggested timelines and other operational advice on when and how and with whom a review should take place in the event of the death of a child or a series of concerning incidents about that child.

(b) *Co-ordinated strategy for the reduction of child as a result of violence and all forms of violence against children*

219. Under sections 11 (in England) and 28 (in Wales) of the Children Act 2004, organisations have a general duty to safeguard and promote the welfare of children. Organisations covered by the section 11 duty include: local authorities, police, probation service, National Health Service bodies, Connexions service, youth offending teams, Governors/Directors of Prisons and Young Offender Institutions, Directors of Secure Training Centres and the British Transport Police. Section 11 works in practice through Local Safeguarding Children Boards (LSCBs), which were established in each local authority area in April 2006. LSCBs coordinate the work of local partner organisations to safeguard and promote the welfare of children and to ensure that the work of each partner is effective in this respect. To ensure that the system for vetting and barring of those working with children is robust, a new vetting and barring scheme is being introduced by the Safeguarding Vulnerable Groups Act 2006 in England and Wales and in Northern Ireland by the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007.

220. The Domestic Violence, Crime and Victims Act 2004 introduced new powers and amendments to existing ones to strengthen the safeguards for victims and their children.

221. We also clarified the definition of 'harm' in the Children Act 1989 (as amended by the Adoption and Children Act 2002). This makes it clear that when a court is considering whether a child has suffered, or is likely to suffer harm, it must consider harm that a child may suffer, not just from domestic violence, but from witnessing it. Revised forms (commonly known as 'Gateway' forms), for applications for child contact and residence were also introduced on 31 January 2005. Courts are now required to consider whether any incidents of domestic violence - not just from direct violence but also from witnessing violence toward another - has had an adverse impact on the child, or might affect the child in the future.

222. In March 2005 the Government published its *National Domestic Violence Delivery Plan for England*. It is a Cross-Government action plan that focuses on ensuring a clear and consistent, multi-agency approach to understanding and supporting victims of domestic violence and reducing instances of domestic violence, through a range of initiatives. The plan includes key work objectives which focus on increasing the early identification of and intervention with children and young people who are affected by domestic violence.

223. An effective strategic framework to tackle the complex issues associated with children affected by domestic violence has included specific elements focused on identifying children at risk, putting in place appropriate support services, and ensuring inter-agency working to safeguard and promote the welfare of children. Domestic violence issues are adequately reflected in the *Every Child Matters: Change for Children* programme, and domestic violence has now been included within the common assessment framework.

224. The April 2006 revision of *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children* has taken place and the document now includes guidance on issues such as domestic violence, forced marriage and female genital mutilation. It reinforces the need for agencies to collaborate closely when investigating these issues.

225. The Government in England is currently developing a new cross-government strategy on safeguarding children and young people to ensure that government work is coordinated. The forthcoming consultation document *Staying Safe* will set out a strategy for Government to work with parents, children and young people and the wider community to raise awareness and understanding and enable everyone to play a role in keeping children safe from harm.

226. The *Cross Government Action Plan on Sexual Violence and Abuse* (published in 2007), also referred to in Chapter VIII, sets out a range of measures intended to support victims and to maximise the prevention of all forms of sexual abuse. The Plan recognises that sexual abuse is a form of violence which affects children and which needs to be tackled. Linked to this, the *Review of the Protection of Children from Sex Offenders* (also published in 2007) sets out steps which the Government will take (in England and Wales) to improve the management of child sex offenders in the community and help ensure the protection of the public.

(c) *Legislative safeguards for all children in alternative care, including those who are privately fostered*

227. In November 2002, the Government issued statutory guidance for local authorities in England which set out national standards for the provision of children's advocacy services. The standards provide a framework for the planning and review of advocacy practice, and spell out core principles for the delivery of advocacy services which build on those set out in the UNCRC.

228. In August 2006 the Government published *Getting the Best from Complaints* which provided updated guidance for local authorities in England on implementing new Children Act 1989 regulations relating to services for children and young people. The new procedures impose time limits on the making of representations, timescales for the handling of representations, and new requirements on the involvement of independent persons and advocates. These apply to local authorities and voluntary organisations which accommodate children. The accompanying guidance is intended to ensure that authorities and organisations have procedures in place which enable the swift resolution of concerns.

229. Section 118 of the Adoption and Children Act 2002 introduced a new statutory role of Independent Reviewing Officer (IRO) with responsibility for the process of reviewing looked after children's cases. Guidance specifying the role of IROs, issued when the new IRO role commenced in 2004, specifies that the IRO is responsible for taking steps so that the child is able to make a meaningful contribution to their review so that the plan for their care takes into account their wishes and feelings.

230. In Wales, national minimum standards for advocacy services were introduced in 2002, and all local authorities now have service level agreements with advocacy providers that meet these standards. In 2004, regulations were made giving to every child and young person in need in social care settings a statutory right to an advocacy service.

231. Funding of £1.32 million has been allocated to the voluntary sector organisation, Voice Of Young People In Care (VOYPIC) to provide advocacy arrangements for children in care in Northern Ireland. Personal advisors are available under the Leaving and Aftercare legislation.

232. For privately fostered children in England and Wales measures in the Children Act 2004, the Children (Private Arrangements for Fostering) Regulations 2005, and the Children (Private Arrangements for Fostering) (Wales) Regulations 2006, strengthen the existing private fostering notification scheme under the Children Act 1989, and provide additional safeguards for privately fostered children. The UK Government and the Welsh Assembly Government have both published guidance on the new legislation as well as National Minimum Standards on Private Fostering and a guide for Local Authorities on Promoting Awareness of Notification Arrangements. Under the 2004 Act and the new Private Fostering Regulations local authorities must:

- Ensure they have in place a strategy which actively promotes awareness amongst their communities of the requirement to notify private fostering arrangements to the local authority;
- Check a private fostering arrangement before a child is placed, where advance notice has been given; and
- Monitor closely the operation of the notification scheme, with a view to ensuring compliance with existing and new duties, and to appoint an officer for that purpose.

233. In 91% of notified private fostering arrangements that started during 2005 the household received a visit from a local authority official, and 51% of these visits took place within one week of the beginning of the arrangement.

234. In Northern Ireland, all children within and outside of the care system are subject to the safeguards and protection offered by the Children Order and other primary and secondary legislation. Health and Social Services Boards and Trusts are required by statute to satisfy themselves that the welfare of children who are privately fostered within their areas are being satisfactorily safeguarded and promoted. The legislation places limits on private fostering and specifies requirements for children who are privately fostered to be visited and their circumstances assessed. The independent Regulation and Quality Improvement Authority (RQIA) regulates specified children's services including children's homes. It also reports on Trusts and Boards clinical and social care governance arrangements and their performance against the statutory duty of quality.

235. The Scottish Commission for the Regulation of Care inspects care services including care homes for children and providers of foster care services against National Care Standards. The standards are designed to ensure a high quality and consistent service for children and that appropriate safeguards are in place, in particular by setting out what each individual child in residential care or foster care can expect from the service provider.



236. The Scottish Executive has also undertaken considerable activity to ensure the protection of children in foster care. Funding has been provided to the Fostering Network to produce a Code of Practice for Foster Care Recruitment and £12m has been provided to local authorities to improve recruitment and retention of foster carers, and to increase placement choice. With regard to private fostering, the Executive has issued information to local authorities and those who provide private fostering reminding them of their responsibilities. The Executive is monitoring the use of this information and its impact and is considering whether amendments to the existing legislative framework are required.

(d) *Campaigns and programmes to reduce child deaths and abuse*

237. The UK Government now provides financial support to both the NSPCC (ChildLine) and to Women's Aid and Refuge to enable their respective 24 hour telephone helpline services to operate in England. The Scottish Executive funds ChildLine Scotland and has also recently launched a 24 hour freephone national gateway service to local child protection service providers. At local level, work to ensure the proper co-ordination of effective measures to safeguard and promote the welfare of children, including protecting them from harm, is a key function of LSCBs in England and Wales and of Child Protection Committees in Scotland. This work includes communicating to people and organisations the need to safeguard and promote the welfare of children, to raise their awareness of how this can best be achieved and to encourage them to follow good practice.

238. In England, steps have also been taken to improve awareness of the links between children and domestic violence. These include the inter-agency safeguarding guidance *Working Together to Safeguard Children* (2006), and the publication of *Domestic Violence and Children* in March 2005, the latter of which provides guidance and information for schools on children affected by domestic violence and links to anti-social behaviour.

239. In Wales, *Tackling Domestic Abuse: The All Wales National Strategy* was launched in March 2005. The Strategy gives a clear message about protecting children and young people, especially those who witness violence. It provides a framework for the development of local action and emphasises the need for joint agency working.

240. In Northern Ireland, a 5 year strategy "*Tackling Violence at Home - A Strategy for Addressing Domestic Violence and Abuse in Northern Ireland*" was launched in October 2005. This Strategy acknowledges that children are often the 'silent victims' of domestic violence and recognises that their experiences can affect their emotional, psychological, physical and sexual development. The Strategy identifies a number of objectives aimed at supporting children who live in violent homes. Annual Action Plans translate the strategy's principles and aims into practice by setting out the key actions to be achieved within defined timescales. Recent actions include the roll out and funding of the Barnardo's Risk Assessment model; and funding the evaluation and roll out of NSPCC pilot programmes to address the needs of children and families affected by domestic violence. Legislative change is also anticipated, which will strengthen the protections available for all victims of domestic violence and abuse.

241. In Scotland, the Executive has allocated £6m over 2 years, 2006 to 2008, to ensure a minimum standard of direct support is provided to children experiencing domestic abuse. This funding, together with approximately £2m contributed from local authorities, will ensure a key

worker service in women's refuges, whilst also allowing Women's Aid/local authorities to establish an outreach service to children experiencing domestic abuse in the wider community. The Executive is commissioning research in 2007 to measure the effectiveness of this funding in delivering better outcomes for children.

242. The Executive also established the National Domestic Abuse Delivery Group for Children and Young People, which is taking forward the delivery of domestic abuse pathfinder pilot projects focussing on a multi-agency response, and the development of a National Delivery Plan in 2007.

(e) *Monitoring, responding to and prosecuting abuse and neglect*

243. Children who are the subject of family proceedings enjoy extensive legal protections intended to ensure that their privacy is safeguarded, in recognition of the fact that many such children are victims of child abuse and neglect. The Government is consulting on the protection of the identity of children after the end of legal proceedings. At the same time, the Government is anxious to ensure proper transparency and openness about the operation of the family justice system. The Ministry of Justice conducted consultations in 2006 and 2007 about how best to 'open up' the family courts in England and Wales to greater scrutiny. Consultation responses, in particular from children and organisations representing them, caused the Government no longer to pursue the original proposal that the media could attend family court hearings as of right, instead deciding that the media and others with an interest would have to seek the agreement of the court in each specific case, should they wish to attend.

244. The Integrated Children's System (ICS) has been developed in England and Wales to improve outcomes for looked after children and other children defined as "in need" under the Children Act 1989. A key aim of ICS is to provide front line staff and their managers with the necessary help, through information technology (IT), to record, collate, analyse and organise the information into the outputs required e.g. on screen, paper reports such as chronologies, and reports on performance indicators. In the longer term, as the ICS becomes widely used, its supporting IT system will enable authorised children's social care staff to identify those children on the system who, for example, have been the subject of enquiries into whether they are at risk of suffering, or have suffered, significant harm.

245. The *Framework for the Assessment of Children in Need and their Families* (2000) is statutory guidance for English and Welsh local authority children's social care. It provides a framework to be used in assessing a child's need for services, considering the needs of a child, the capacity of his or her parents or carers to meet those needs, and wider family and environmental factors. *Understanding the Needs of Children in Northern Ireland* (UNOCINI) provides a similar framework for assessment of need for children and young people in Northern Ireland. It is currently being tested and revised and incorporates risk assessment and will include a specific mental health component.

246. ContactPoint, which will be available across England by the end of 2008, will be a simple tool containing basic information about all children aged 0-17 and contact details for practitioners who are providing services to them. It will provide a quick way to find out who else is working with a child, making it easier to deliver more co-ordinated support. ContactPoint will not hold any assessment or case information about a child, in order to safeguard children's

privacy. The development of the system has been informed by the experiences of 11 'Trailblazer' areas already underway. Users will be trained in the safe and secure use of ContactPoint and good information sharing practice.

247. In Scotland, the Executive has acted, through the Vulnerable Witnesses (Scotland) Act 2004, to improve conditions for witnesses to enable children, to give the best evidence they can. Implementation of the Act, associated practitioner guidance and public information material will help ensure that a vulnerable child is not victimised in legal proceedings by providing support for the witness when giving evidence, while taking account of the child's views on how that should be done. It also promotes a child's sense of dignity and worth by seeking to ensure that a child's evidence will be taken seriously whether the child is a witness or an accused person.

248. In Northern Ireland, all alleged and suspected cases of child abuse in Northern Ireland are jointly investigated by Police and Social Services. All Police Service of Northern Ireland (PSNI) officers receive Child Abuse and Rape Enquiry (CARE) training. The PSNI's CARE Units are made up of plain-clothes detectives who receive specialist training on child abuse and rape trauma syndrome and who investigate all alleged and suspected cases of child abuse.

*(f) Recording crimes against children in the British Crime Survey*

249. The main purpose of the British Crime Survey (BCS) is to measure the extent and nature of criminal victimisation against private households in England and Wales and adults aged 16 or over living in such households. The extension of the BCS to cover children poses a number of ethical and methodological difficulties.

250. To respond to these difficulties and provide a means of measuring crimes committed against children, a new survey of offending and victimisation, the Offending, Crime and Justice Survey (OCJS), was launched in 2003. The survey, covering people living in private households in England and Wales, was repeated annually until 2006 and covered children's involvement in offending, anti-social behaviour and experience of theft and assault. The OCJS has demonstrated that it is possible to collect good quality personal victimisation data amongst children aged 10-15. The Home Office intends to commission work in 2007-08 to develop options for extending the BCS to cover under 16s in the future.

*(g) Provide for care, recovery and reintegration of victims*

251. Please refer to the information provided in other sections of this chapter on safeguarding vulnerable children and the care of children in the statutory sector. Also chapter VIII on the Governments' action against sexual exploitation and trafficking of children.

*(h) Strengthen the reporting system*

252. The Children Act 2004 set out a new requirement for local authorities in England and Wales to establish Local Safeguarding Children Boards (LSCBs), designed to ensure that the key agencies work effectively together quickly to identify and respond to signs of abuse. The core membership of LSCBs is set out in the Act, and includes local authorities, health bodies and the police.

253. Similarly in Scotland, as part of a 3-year programme of sustained activity to reform child protection services, multi-agency Child Protection Committees in all local authority areas have been strengthened to ensure that all relevant partners play their part in identifying and responding to child protection concerns.

254. The UK Government is also introducing a new vetting and barring scheme for those working with children and vulnerable adults in England, Wales and Northern Ireland underpinned by the Safeguarding Vulnerable Groups Act 2006 and the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007. The new scheme significantly strengthens the current arrangements and is due to be introduced in a phased roll-out from autumn 2008. In summary, the new Act/Order include the following provisions:

- Coverage of the scheme in terms of regulated and controlled activities;
- A new barred list of those prevented from working with children;
- A new executive agency responsible for taking all discretionary decisions as to who should be included on these lists;
- Duties on employers, personnel suppliers and professional and regulatory bodies to refer relevant information to the Scheme;
- A right of appeal to the Care Standards Tribunal or Care Tribunal [NI]; and
- A series of new criminal offences to enforce the scheme.

255. The Protection of Vulnerable Groups (Scotland) Act 2007 has also been introduced in Scotland allowing for a new vetting and barring scheme similar to that provided for by the Safeguarding Vulnerable Groups Act.

256. Similar provision has been made in Northern Ireland, and the Department of Health, Social Services and Public Safety have consulted on proposals to establish a Regional Safeguarding Board for Northern Ireland to replace the four current Area Child Protection Committees. The new Board will have an independent chair and membership will be drawn from relevant organisations such as Health and Social Care Trusts, Youth Justice, the NSPCC, the Judiciary and others. A small focused working group has been established to take forward the main issues relating to the establishment of the Board and the group is meeting regularly to progress this area of work.

257. A major review of safeguarding children in Wales was undertaken by the National Assembly in 2005-06. The Assembly Government has accepted this and will publish its recommendations for action early in 2008.

258. The Government's response to the 2nd joint Chief Inspectors' Report on Arrangements to Safeguard Children (in England), *Making Safeguarding Everyone's Business*, was published in March 2006 and addresses the report's findings about the priority given to safeguarding across agencies and the needs of particular groups of children, including children with disabilities, children living away from home and children in immigration removal centres.

259. In Scotland, guidance was published in 2003 *Protecting Children and Young People: Child Protection Committees* - this is the primary strategic planning mechanism for inter-agency child protection work in each area of Scotland. The Welsh Assembly Government has published *Safeguarding Children: Working Together Under the Children Act 2004*, which sets out the role and responsibilities of different agencies and practitioners and how these agencies and professionals should work together to promote children's welfare and protect them from abuse and neglect.

260. In May 2003, the Government launched a booklet for practitioners in England who have concerns about the welfare of children. This booklet, *What To Do If You're Worried A Child Is Being Abused*, is aimed at practitioners who come into contact with children, parents and families in the course of their work. It was updated and republished in 2006, following the distribution of more than one million copies of the original edition. In Scotland a similar leaflet was targeted at the general public. In Northern Ireland consideration was given to publishing similar guidance. However, as the Area Child Protection Committee's Regional Policies and Procedures contain much of the content of this booklet, publication of a similar document for Northern Ireland was placed on hold pending the establishment of a Regional Safeguarding Board. The Welsh Assembly Government published reports on Serious Case Reviews in Wales in 1996, 1999 and 2002.

261. The Government in England has also introduced the legal duty for schools to safeguard and promote the welfare of children under sections 175 and 157 of the Education Act 2002. Consolidated guidance was issued in November 2006: *Safeguarding Children and Safer Recruitment in Education*, which sets out the safeguarding responsibilities of local authorities, schools and Further Education colleges.

## **B. National programmes - update**

262. Research with children and young people, commissioned to support this report, highlights the importance attributed to parents/carers and family by young people. The UK Government recognises this and has instigated many programmes since 2002 to support families.

### **Support to parents**

263. In March 2007, the Government published *Every Parent Matters*, setting out the full range of work being done in England to promote both the development of services for parents and parents' involvement in shaping services for themselves and their children. Key areas of work described in *Every Parent Matters* include the creation of a National Academy for Parenting Practitioners from Autumn 2007; a single commissioner in every English local authority to champion services for parents; additional information and parenting advice through Children's Information Services from 2008; a new duty on school governing bodies to listen to parents from May 2007 and the proposed development of a minimum package of information, advice and support that any parent should be able to access locally through their Sure Start Children's Centre and extended school and from national sources of information and advice.

264. In Wales, pupils, parents/carers and the wider community have access to a range of services and opportunities through the Community Focused Schools agenda. These services

include access to childcare, adult education (including Welsh courses), Credit Unions and Citizen Advice Bureaux. There are also projects funded at local level through Cymorth (Children and Youth Support Fund).

265. In Northern Ireland, the Department of Health, Social Services and Public Safety's family and parenting strategy *Families Matter: Supporting Parents in Northern Ireland* will also enhance the services available to parents in assisting with parental responsibility through the provision of positive parenting and parenting education; provision of mediation services; development of and expansion of Child Contact Centres; improvement of access to information by the development of a regional database and the provision of a regional help line.

*Support to parents of children under 5*

266. The Employment Relations Act 1999 contains provisions for new rights for working parents, in particular the extension of maternity leave from 14 to 18 weeks and three months' parental leave for employees who satisfy specific conditions. In addition, the Work and Families Act 2006 will extend maternity and adoption pay from six to nine months from April 2007, towards the goal of a year's paid leave by the end of the Parliament. It extends the right to request flexible working time to carers of adults from April 2007; gives employed fathers a new right to up to 26 weeks' additional paternity leave, some of which could be paid, if the mother returns to work; and extends maternity pay to 12 months.

267. In 2006 the Assembly Government in Wales launched a new programme for children aged 0-3, "Flying Start". Within specific deprived areas, this provides free high quality childcare for two year olds, health visitors with low caseloads, parenting programmes and basic skills programmes. The programme is designed to achieve an investment averaging £2,000 per child per annum. The UK-wide Healthy Start scheme was also introduced in 2006, designed to encourage and promote healthy lifestyles amongst low-income pregnant women and families with children under 4 years.

268. In addition to support with childcare and early learning, a network of Sure Start Children's Centres is being established in England which bring together a range of early years services for parents from children's health services to jobs advice. Over 1,250 have now (2007) been set up, offering services to more than 1,000,000 young children and their families.

269. All 3 and 4 year olds in England are now guaranteed a free, part time (12.5 hours per week), early education place for up to two years before reaching compulsory school age. £3 billion a year is now being spent in England alone to support the delivery of this entitlement. In England, the minimum entitlement was increased from 33 to 38 weeks a year in 2006, and will be extended further in the future, including the phased introduction of a 15 hour per week entitlement from 2007. At January 2006, nearly all 3 and 4 year olds were in some form of Government-funded free early education.

270. There are some groups (notably migrant or traveller families, those on lower incomes, and minority ethnic groups, particularly Bangladeshi) who are less likely to access this free provision. Given the potentially positive impact of early years provision, outreach workers from children's centres will - while at all times respecting parents' and carers' wishes - focus on ensuring that those families not taking up the offer are doing so on the basis of informed choice.

271. In Wales, all 3 and 4 year olds are entitled to a free, part-time early education place (a minimum of 10 hours per week) until they reach compulsory school age. The Welsh Assembly Government, through a combination of direct grant and Revenue Support Grant to local authorities, supports the delivery of this free entitlement by a range of maintained, private and voluntary sector providers.

272. Since April 2002 the Learning and Skills Council has been responsible for the planning and funding of Family Literacy, Language and Numeracy programmes in England. It has allocated approximately £25 million to support programmes for 2006/07 and the same for 2007/08. Evaluation has shown that these programmes have been successful in improving children's early learning, in supporting links between family and school, and in encouraging parents to re-enter education, training and work.

273. Since 2002 the Scottish Executive has funded local authorities to meet a statutory duty to provide 12½ hours a week of pre-school education to all 3 and 4 year olds whose parents wish it. Places can be delivered through local authorities' own settings (e.g. nursery classes and schools), through the private sector (e.g. private nurseries) and the voluntary sector (e.g. playgroups).

274. In Northern Ireland, one year of funded pre-school education is provided in the year before compulsory education for every child whose parents wish to take it up. The Government is moving to implement key recommendations from the Report on the Review of Pre-School Education in Northern Ireland published in April 2006. In late 2006, Early Years policy transferred from the Department of Health, Social Services and Public Safety to the Department of Education. The rationale for the transfer was to ensure that Early Years policy brings together support for parents and children in a more coherent and cost effective way.

#### *Support to parents of school age children*

275. There are currently registered childcare places for 1 in 4 children aged 8 and under, in England, with the total stock of registered childcare standing at over 1.29 million places. In addition, the Government in England has introduced the 'Extended Schools' service, which offers access to a wide range of services, including childcare, study support and a range of family learning and parental support, on-site, from 8 am to 6 pm and throughout the year. Evidence shows that extended schools are having positive effects on children and families, including the improvement pupil attainment and the reduction of exclusion rates.

276. In autumn 2006 and 2007, selected primary schools in 20 local authority areas in England have been offering Transition Information Sessions for parents whose children are starting primary school, to help build effective partnerships between parents and their child's school. Following this, a programme of national training will enable all local authorities to be delivering sessions in all of their schools by autumn 2008. A two year evaluation of the projects will identify effective ways to deliver the sessions.

277. There are also measures to improve parents' ability to shape their children's school. Since September 2005, the school Self-evaluation Form, required as part of a school inspection, has asked schools to set out how they gather the views of parents, and to give examples of action

taken based on the views of parents and other stakeholders. All schools are required to have a complaints procedure. Parents also have a right to complain to Ofsted on matters relating to their child's school. Parents make up a third of all school governing bodies, so over 100,000 parent governors have a chance to support and challenge the leadership of their child's school. Similar measures have been introduced in Scotland through the Scottish Schools (Parental Involvement) Act 2006 which strengthens the framework for supporting parental involvement in school education. Involving parents in the running of the school is also a requirement of the National Healthy Schools Programme.

### **Parental responsibility**

278. Under the law of England and Wales, as set out in the Children Act 1989, parental responsibility is defined as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property". The mother of a child automatically has parental responsibility unless it is removed by the court (for example, through adoption). When the father is married to the child's mother at the time of birth he has parental responsibility automatically. If the child's father is not married to the child's mother, he can (since December 2003) obtain parental responsibility by being recorded in the birth register as the child's father, making a parental responsibility agreement jointly with the child's mother, or by obtaining an order from the court giving him parental responsibility.

279. The Children (Scotland) Act 1995 defines parental responsibilities and rights in Scotland. Section 1 places a duty on parents to safeguard and promote a child's health, development and welfare; provide direction and guidance; maintain personal relations and direct contact with the child; and act as the child's legal representative. The Family Law (Scotland) Act 2006 brought Scottish Law into line with the rest of the UK on unmarried fathers.

280. The Civil Partnership Act 2004 enables a registered civil partner to acquire parental responsibility of their civil partner's child in the same way as a person (who is not the child's parent) who is married to a parent of the child. The acquisition of parental responsibility by a civil partner can be undertaken with the agreement of their civil partner, as long as that civil partner themselves has parental responsibility. If the child's other parent also has parental responsibility, both parents must agree.

### *Support for families whose children may be at risk of anti-social behaviour*

281. Through the Government's Respect programme additional support is being provided to vulnerable parents in England whose children may be at risk of anti-social behaviour, for instance:

- A pledge of up to £18 million between 2006-07 and 2007-08 to ensure that anti-social parents get the parenting support they need;
- £10 million has been made available over two years from 2006-07 for delivery and evaluation of Parenting Early Intervention Pathfinders (PEIPs) for families with children 8 - 13 at risk of poor outcomes.



282. PEIPs target 8-13 year olds, identifying those at risk following self referrals from parents or referrals from practitioners, due to the child's behaviour or parental risk factors. Additional funding provided through PEIPs is used to pay for early intervention activities, focused on one of three specified parenting programmes to enable effective evaluation.

283. Where more serious intervention is needed, the powers for local authorities in England to apply for Parenting Orders have been extended by the Anti-social Behaviour Act 2003. This enables Youth Offending Teams to apply to the courts for a Parenting Order where a child has behaved anti-socially or engaged in criminal conduct. Further, the Criminal Justice Act 2003 enables a Parenting Order to be made. These new powers enable the court to make Parenting Orders at an earlier stage, involving parents/guardians to help prevent unacceptable behaviour from becoming entrenched. More than 1,000 Parenting Orders were made in 2003-04.

284. Parenting Orders have also been introduced in Scotland through the Anti-social Behaviour (Scotland) Act 2004. Where a parent has not engaged voluntarily with help and support made available to them and where their behaviour is having a negative impact on their child, parenting orders make it compulsory for a parent to access the support they need.

285. In Wales, £31 million has been invested in Flying Start for the youngest children in disadvantaged areas, described above. In Northern Ireland, around £4 million from the Children and Young People's Funding Package is available to support parents and families.

### **Separation from parents**

286. The UK Government and devolved administrations fully support the aims of Article 9 of the Convention and the principle that children should be separated from their parents only where absolutely necessary, and where competent authorities determine it to be in the best interests of the child.

287. The Children Act 1989 provides a clear legal code, within which local authorities in England and Wales are required to operate. Where, following assessment on a multi-disciplinary and multi-agency basis, they conclude that children are suffering significant harm at the hands of their parents or carers and/or that children are beyond their parental control, they may decide to initiate care proceedings in the family courts. Where the court is satisfied that the children have suffered significant harm and that it is in their interests that a court order should be made, the court may then make an order which confers parental responsibility on the applicant local authority, in addition to the parental responsibility already held by parents or others.

288. The making of such orders also confers on local authorities a range of specific responsibilities for safeguarding and promoting the welfare of the child throughout the duration of their childhood, together with expectations that they seek out and consider the child's needs, wishes and feelings, that they promote contact between the child and members of his or her family of origin and that they consider regularly whether it is in their interests to seek a discharge of the court order that has been made.

289. It is also expected that local authorities will continue to seek the views of the child's parents, who continue to be able to exercise their parental responsibility within limits set by the

local authority. Where there are no prospects of rehabilitation to the family of origin, including the wider family, within a reasonable period, the local authority may seek permanent substitute care outside the family of origin. This may take the form of adoption, special guardianship, placement with foster parents or in residential settings.

290. A consultation conducted by the NSPCC found that nearly a quarter of children in care said they wished that they had never gone into care. The two most common requests for the future from these children were more family contact (13%) and to live with their family again (10%). In the consultation on *Care Matters* children and young people said that they would prefer to remain with their birth parents or wider family rather than come into care.

291. *Care Matters: Time for Change*, published in June 2007, set out plans for a new framework to enable children to live with their wider family or friends and proposals to support early intervention including:

- Funding a programme of regional training events to equip practitioners with the necessary skills to develop and sustain the Family Group Conference model;
- Piloting a Family Drug and Alcohol Court from January 2008 to link adult treatment services with the needs of children and families; and
- Funding the development of Multisystemic Therapy as an effective specialist intervention for young people at risk of becoming looked after children.

292. To help parents and children engaged in court proceedings, the Children and Family Court Advisory and Support Service (CAFCASS) was established in April 2001, to deliver a front line service to children, young people and families in Children Act 1989 proceedings. Responsibility for CAFCASS in Wales was transferred to the Welsh Assembly Government in 2005, and the organisation in Wales is known as CAFCASS Cymru. Both organisations are independent of the courts, local authorities, health bodies and other statutory agencies. Their primary duties are to:

- Safeguard and promote the welfare of the child;
- Advise courts about family proceedings applications;
- Make provision for children to be represented in such proceedings; and
- Provide information, advice and support for children and their families.

293. CAFCASS and CAFCASS Cymru have a statutory duty to ensure that they promote the best interests of children within family proceedings. They are required to take account of children's needs, wishes and feelings (where these are expressed), and to present these to the Court. This takes place in the context that the child's welfare is the paramount consideration on which the family court will base any decision concerning the upbringing of a child.

294. In Northern Ireland, within the Courts system, Guardians Ad Litem have a duty in specified public law proceedings under the Children (Northern Ireland) Order 1995 and in

adoption proceedings under the Adoption (Northern Ireland) Order 1987 to safeguard the best interests of the child and represent the child's needs, wishes and feelings to the court. As in the rest of the UK, Guardians Ad Litem must have regard to the child's welfare.

295. In Scotland, where it is clear that there is no realistic prospect of the child returning to the birth family, the local authority may apply to the Court for a Parental Responsibilities Order, transferring all parental responsibilities and rights to the local authority (other than the right to consent to adoption). Once the Adoption and Children (Scotland) Act 2007 is implemented, this will be replaced by a new permanence order, to be applied for by the local authority, which could lead to all parental responsibilities and rights being transferred to the local authority but will also allow for them to be shared with other persons such as the birth parents or foster carers, if this is in the child's best interests. With all permanence orders the local authority has the right to decide with whom the child should reside.

#### *Parental separation and contact*

296. The core principle that the court must have the welfare of the child as its paramount consideration, as provided by the Children Act 1989, also underpins the courts' handling of disputes about contact following parental separation. Research by the NSPCC found that many children who had experienced parental separation expressed initial distress but over time adapted to their new way of life. Children who went to court most frequently said that they received help from social workers (28%) and solicitors (26%). A third of children felt that further support and more information could have made the court process easier.

297. The UK Government has since 2004 been working to deliver a programme of activities in England and Wales aimed at helping parents to avoid unnecessary and adversarial court proceedings as a means of settling disputes about post-separation parenting. This programme focuses on the use of mediation and in-court conciliation as well as advice and guidance to parents about deciding contact arrangements that are in the best interests of the children. The Children and Adoption Act 2006, now in the process of implementation, provides the courts with a greater range of options for dealing with the enforcement of contact orders and for the better facilitation of contact, for instance through directing parents to attend parenting programmes to help resolve conflict. Expenditure on family legal aid to help parents who need the help of the courts to resolve disputes rose from £443 million in 2000-01 to £536 million by 2005-06.

#### *Care proceedings*

298. In May 2006, the Government published the *Review of the Child Care Proceedings System in England and Wales*. A programme of work is taking forward the Review and wider initiatives to improve care proceedings which includes proposals for work in seven key areas: ensuring families and children better understand proceedings; exploration of safe and appropriate alternatives to court proceedings; improved consistency and quality of care applications to Court; improved case management; better inter-agency working/communications; more efficient and effective use of experts; and judicial allocation/use of court facilities. These proposals are now (2007) in the process of implementation. There are two key strands of work. Revised statutory guidance to local authorities is due to be published by the Department for Children, Schools and Families [or use acronym] and the Welsh Assembly Government in the autumn of 2007, following public consultation. The current *Protocol for Judicial Case Management in Public*

*Law Children Act Cases*, which sets out the different stages of the court process as care cases progress through the system, will be replaced with a new streamlined Public Law Outline (PLO) from April 2008.

### **Family reunification**

299. The UK respects the principles of the Article on family reunification. However, other than in certain refugee cases, there is no established right in the immigration context for a child to be joined by parents or other family members. The view of the UK Government is that in most cases, subject to safe arrangements being in place, the best option is for unaccompanied children to be reunited with their parents and wider family in the child's country of origin.

### **Recovery of maintenance for the child**

300. Where child maintenance is paid, it can make a substantial difference to child poverty rates - receipt of child maintenance currently helps to lift 100,000 children out of poverty. The Child Support Agency (CSA) was set up in 1993 because the system of collecting maintenance through the courts had lost the confidence of parents. The original scheme was extremely complex, both for families and the Agency. In 2003 a simpler, more client focused scheme was introduced for new cases, based on a new method of calculating child maintenance liabilities. This included a new Child Maintenance Premium for parents with care who are claiming Income Support or income-based Jobseeker's Allowance. This enabled new child maintenance clients to keep the first £10 per week of any maintenance received for their children before it affected their benefit entitlement. In March 2007, 57,000 parents with care received the Child Maintenance Premium equating to over £1.9m per month.

301. Despite these improvements the performance of the Child Support Agency has fallen short of expectations. In February 2006 the Secretary of State for Work and Pensions announced a two stage approach to help ensure that more children receive child maintenance. The first of these has already started - an Operational Improvement Plan to stabilise and improve the short-term performance of the CSA. By the end of March 2007, 466,000 cases were in receipt of maintenance or had a Maintenance Direct arrangement in place, which benefited 635,000 children, compared to 429,000 cases relating to 590,000 children in the previous year.

302. The second stage was to develop proposals for the redesign of the child maintenance system and to assess the longer-term policy and delivery arrangements. Proposals announced by the Government in 2006 include:

- Government will encourage and support parents to make maintenance arrangements, on a private (i.e. voluntary) basis wherever possible;
- Parents on benefit will get to keep significantly more of the maintenance paid;
- An emphasis on stronger and more effective enforcement allied to increasing efforts to collect and reduce debt; and
- Further simplification of the assessment process.

### **Children deprived of a family environment**

303. It is the belief of the UK Government and devolved administrations that children looked after by the state, for whatever reason, should be given a particular priority by the state as their 'corporate parent'. This applies both while they are in the care of the state and after they leave care, when the state should continue to support them in making the transition to adult life.

304. The Children (Leaving Care) Act 2000 required local authorities in England and Wales to take extra steps to assess and meet the financial and other needs of care leavers. More recently, the Children Act 2004 placed an explicit duty on local authorities in England to promote the educational achievement of children in care, and the Education and Inspections Act 2006 gave local authorities the power to direct schools to admit children in care in England even when already full to ensure children can secure a place in the best school for them. In October 2006, the Government published *Care Matters: Transforming the Lives of children in care*, followed in June 2007 by *Care Matters: Time for Change*, setting out proposals for improving the outcomes of children in care in England by, for example:

- Introducing a tiered framework for foster placements to respond to different levels of need, underpinned by a new qualifications framework, fee structure and national minimum standards;
- Piloting the introduction of a 'virtual headteacher' in every local area to help improve the performance of schools in relation to children in care;
- A dedicated budget for each social worker to spend on improving the educational experience of every child in care; and
- A new model of comprehensive health provision for each child in care.

305. The long term outcomes of looked after children are still poor compared to other children. In 2005 20% of children in care in England were unemployed the September after leaving school in June or July, compared to 5% of all school-leavers. While the average age children leave home is 24, 27% of looked after children still leave care aged 16. To address this, *Care Matters: Time for Change* sets out plans to pilot greater involvement of children in deciding when they move to independence, and to pilot giving children the opportunity to stay with foster carers until aged 21 years.

306. The Welsh Assembly Government will consult later in 2007 on a strategy for children in need, including those in care and care leavers. This will build on the Assembly's 10 year strategy for social services and its policy document *Towards a Stable Life*. A grant of £1 million a year has been distributed across local authorities in 2006-07 and 2007-08 to enable them to support the education of looked after children.

307. These proposals reflect the view that, while the outcomes of looked after children have improved since 1999, they remain unacceptably low. For instance, in England only 11% of looked after children obtained five good GCSEs in 2005, compared with 54% of all children. The position in Wales is broadly similar.

308. The Scottish Executive launched an action plan, *We Can and Must Do Better*, in January 2007 to improve outcomes for children looked after away from home in Scotland. It highlights the importance of the corporate parent role, the need to secure appropriate education and health outcomes for this group of children, the need for good quality accommodation and the importance of stability and continuity within education and care settings.

309. Many children looked after away from home need to be returned home to their families as soon as is possible. They should receive early and ongoing support if this is to be safe and sustainable. So should their families. The Government has announced that an early years strategy will be developed by the end of 2008. This will include the Government's approach to supporting children within vulnerable families.

310. For those children and young people who are looked after away from home and for whom a safe return to their families is not possible, a permanent substitute family or residential placement is required. The implementation plan for the Adoption (Scotland) Act 2007 will include the introduction of permanence orders for children by early 2009. This statutory status for children will enable children to remain permanently with a foster parent or within a residential placement. Their rights to retain contact with their birth family will be set out in the permanence order. The Permanence Order will help avoid the drift and uncertainty that too many looked after children experience and will help provide them with a more stable environment, from which they can develop and fulfil their potential.

311. The Children (Leaving Care) Act (Northern Ireland) 2000 provides a new legal framework for leaving and after care services. Its main purpose is to improve the life prospects of children who are looked after by Health and Social Care Trusts (HSCTs), as they make the transition to independent living. To achieve this, the Act amends the Children (Northern Ireland) Order 1995 to place new and enhanced duties on HSCTs to support children leaving care.

312. In addition, the Looked After Children in Education (LACE) project was established in Northern Ireland in 2001 and has been developed by Include Youth, VOYPIC and Save the Children. The project began as a participative research project on the educational experiences of looked after children in Northern Ireland. The overall aim of LACE is to improve the educational outcomes of looked after children in Northern Ireland. The LACE project works in partnership with all agencies which contribute to the education of looked after children - in particular Health and Social Care Trusts, the Education and Library Boards and their education services, schools, the Youth Justice Agency, the youth service and community groups working within each of the three pilot project areas.

## **Adoption**

313. Adoption legislation in England and Wales now fully implements Article 21 of the Convention. Section 1 of the Adoption and Children Act 2002 says that the paramount consideration for a court or adoption agency when making a decision about the adoption of a child must be the child's welfare throughout his/her life. Adoption orders are made by the courts informed by reports prepared by adoption agencies or local authorities. The parent or guardian is required to consent to the adoption, unconditionally and with full understanding, unless they cannot be found or are incapable of giving consent, or the welfare of the child requires disregarding of withheld parental consent. The Adoption Agencies Regulations 2005 and the

Adoption Agencies (Wales) Regulations 2005 require the adoption agency to provide a counselling service for the parent or guardian. The child's wishes and feelings are also taken into account in the decision-making processes. The Adoption and Children (Scotland) Act 2007 makes similar provision for Scotland and will be followed up by regulations and guidance.

314. The Children (Northern Ireland) Order 1995 centres on the paramountcy of the welfare of the child to ensure that any decisions about a child best promote his/her welfare and are in his/her best interests. New policy and legislation should be compatible with these principles. New adoption legislation, for example, will place the child at the centre of the adoption process. The Department of Health, Social Services and Public Safety (DHSSPS) has also made arrangements to audit the existing public law aspects of the Children (Northern Ireland) Order 1995 and associated regulations to examine compatibility with the international standards set out in UNCRC and ECHR.

315. In cases of intercountry adoption, the child is afforded equivalent protection as in a domestic adoption. All prospective adopters are required to be assessed as suitable to adopt in the same way whether they are adopting domestically or on an intercountry basis. Prospective adopters wishing to take children out of the UK for adoption must first obtain a court order, having lived with the child in the UK for at least 10 weeks, with the placement being monitored during that period.

316. The UK has signed and ratified the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at The Hague on 29 May 1993 (the "1993 Hague Convention"). It co-operates with all Central Authorities in accordance with that Convention and with the competent authorities in non-Hague Convention countries in accordance with the principles of both the 1993 Hague Convention and the UN Convention on the Rights of the Child. To support the legislative measures described above, the UK Government provided an extra £66.5 million for adoption services in England over three years: £14.5m for 2001-02; £22.5m for 2002-03; and £29.5m for 2003-04. An extra £70 million to support the new framework for adoption support was also provided over three years: comprising £12 million in 2003-04; £23 million in 2004-04; and £35 million in 2005-06.

317. In 2000 the Government set an adoption target to increase by 40% the number of looked after children who were adopted by 2004-05 and to exceed this by achieving, if possible, a 50% increase by 2006, from 1999-00. During 2005-06, 900 more children were adopted than in 1999-00. This represents an increase of 34%. Over the six years to March 2006, 4,800 more looked after children were adopted than would have been the case if adoptions had remained constant since the year ending March 2000.

### **Illicit transfer and non-return**

318. The UK Government has signed and ratified the 1980 Hague Convention on the Civil Aspects of International Child Abduction. The 1980 Hague Convention provides for the return of children aged under 16 who are wrongfully removed or retained away from their country of habitual residence. In order to be considered wrongful, a removal or retention must be in breach of "rights of custody" which are actually being exercised by a person, an institution or any other body under the law of the state in which the child was habitually resident immediately before the removal or retention.

319. England and Wales have recently taken part in a mediation pilot scheme set up by the NGO Reunite International Child Abduction Centre and funded by The Nuffield Foundation. The scheme was set up as a way of investigating whether mediation could be used successfully to resolve abduction cases by giving the parents an opportunity to discuss the practical issues affecting their children's future. Out of 28 concluded mediations, 21 resulted in an agreement. Reunite is currently developing a training module for mediators in light of the pilot scheme.

### **Periodic review of placement**

320. All looked after children in England and Wales must have a 'care plan' setting out how the local authority intends to meet the child's needs. Children, their parents, carers and other agencies - e.g. schools - must be involved in the process of assessing those needs. The care plan must be regularly reviewed, with review meetings held at minimum statutory intervals - within 28 days of becoming looked after, after a further 3 months and 6 months thereafter. Reviews must involve the child, their carers and representatives of the local authority responsible for their care.

321. Since September 2004, reviews in England must be chaired by Independent Reviewing Officers (IROs) who provide objective oversight, thus serving to promote the child's welfare. Plans to further strengthen the role of IROs were set out in *Care Matters: Time for Change* in June 2007, including introducing a requirement for local authorities to appoint a named IRO for each child and requiring IROs to spend time individually with each child prior to any review so that the IRO personally establishes the child's view. Parallel systems operate in Wales, but from July 2007 the role of Independent Reviewing Officers and the people who must be involved in the review has been extended by Wales-only Regulations.

322. Where children in care and care leavers (and children in need) in England feel unfairly treated then they have a right established by the Adoption and Children Act 2002 to access independent advocacy to address and resolve their concerns through the Children Act 1989 complaints process. In Wales, the Assembly Government is currently consulting on changes on a new integrated service model for children and young people's advocacy services.

323. Choice Protects, the UK Government's review of placement services for looked after children in England, was launched in March 2002. The review aimed to support local authorities in developing the range of placements needed to meet the needs of their looked after children, in particular by strengthening and expanding their fostering services and improving the planning and commissioning of services for looked after children. To help local authorities make these improvements, the Choice Protects programme provided funding of £113 million over three years from 2003-04 to 2005-06. Although the programme has now ended, local authorities in England continue to receive funding at approximately 2005-06 levels through a wider Children's Services Grant. Under *Children First*, the equivalent programme in Wales, £250 million was provided to local authorities between 1999 and 2006.

324. The new permanence orders in the Adoption and Children (Scotland) Act 2007 offer considerable flexibility to review placements in Scotland and to reflect fully the situation of individual children. Only a local authority will be able to apply for a permanence order. They can be sought with or without a measure granting authority for the child to be adopted, dependant on the needs of a particular child. Where such authority is granted, the permanence order will ensure



that the child remains properly looked after between the granting of the permanence order and the granting of an adoption order. This will be similar to the current process of “freeing” a child for adoption, but the child will have greater security between the making of a permanence order and the making of an adoption order. Should the child not be adopted, it will be possible to apply for a variation of the permanence order to allow parental responsibilities and rights to be reallocated which is not currently possible.

### **C. Statistics and resources**

325. Statistical data for this chapter is included in Annex 1

### **D. Factors and difficulties**

#### **Introducing child death reviews**

326. Plans for the introduction of child death reviews being developed in a range of ways across the UK will need careful and sensitive introduction. Their full implementation will enable more effective learning of lessons from the tragic incidents that they will assess, with a view to reducing the likelihood that the same issues will recur in future.

#### **Reducing incidence of abuse, neglect and wrongful deaths of children**

327. Though considerable progress has been made in addressing child abuse and neglect, it is clear that there is much still to be done. In particular there is much work to do to implement the various provisions for preventing unsuitable people from working with children.

#### **Appropriate information, advice and if necessary challenge to parents**

328. It is recognised that the most important source of nurture and support for children is from parents and wider families. The primary responsibility of the state is to make available information, support and services for parents to take up as they see fit. However, where families are experiencing disadvantage and difficulty, the state needs to be more proactive in seeking out such families and actively offering help. Where families are unable, or even unwilling, adequately to safeguard and promote their children’s welfare, the State has responsibility compulsorily to intervene in family life. With proper court scrutiny, the state should make arrangements to protect children from harm. It is particularly challenging to strike the right balance when undertaking this task, but the legislative priority given to children’s welfare, across the UK jurisdictions, provides a sound, principled basis for this activity.

#### **Better outcomes for children in care**

329. Despite considerable progress since 1997 in outcomes for looked after children, their overall attainment still falls far short of what is being achieved for children in general. Ongoing reforms are intended to achieve for children cared for through state intervention the same as parents in general seek to achieve for their children. Governments across the UK continue to introduce and amend a range of systems and services, such as health and education, in order to ensure the best possible outcomes those children for whom it is responsible, as ‘corporate parent’.

## **CHAPTER VI: BASIC HEALTH AND WELFARE** **(Arts. 6, 18 para. 3, 23, 24, 26, and 27 paras. 1-3)**

330. Every child in the United Kingdom is entitled to an adequate standard of health and welfare. Continued government investment in health services and in children's welfare services, as well as a commitment to the eradication of child poverty by 2020, are having a significant impact on children's lives. This work is underpinned by the range of reforms described in chapter I of this report, which are helping to build services that are strongly focused on the needs of children.

### **A. Concluding observations - follow-up**

#### **CRC/C/15/Add.188, para. 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.**

### **Reducing inequalities in health**

331. The National Health Service's inequalities target for England seeks to reduce the disparity in health outcomes by 10 per cent, as measured by infant mortality and life expectancy, by 2010. While infant mortality rates continue to fall for all social groups, the gap between different social groups has widened since the target baseline (1997-99) although it seems to have stabilised since 2001-03. A review of the target, published in February 2007, shows that effective measures for reducing infant mortality in disadvantaged groups include the reduction of teenage pregnancy and the reduction of smoking in pregnancy. These are among the issues being tackled in England through the *Choosing Health* White Paper described later in this report.

332. The Scottish Executive is committed to improving the health and well-being of children and this is demonstrated in the policy document, *Delivering for Health*, which sets out the actions required to improve health services in Scotland. This is further expanded in the document *Delivering a Healthy Future: An Action Framework for Children and Young People's Health in Scotland*, developed by the Children and Young People's Health Support Group, and published in February 2007. It has three major work-streams: tertiary paediatrics, child health and maternal health. First and foremost, the rights and responsibilities to provide for their children's health and welfare rest with parents. Beyond this, a range of services provided by the NHS, local authorities and voluntary and independent organisations, in health centres, nurseries, pre-schools and schools, family centres and in the community have a vital role in helping parents to ensure their child's healthy development. The health improvement policy aims to improve health for all but has a special focus on reducing the gap between the most affluent and most deprived communities.

333. The piloting of free school meals in primary 1-3 in schools in the most deprived parts of Scotland is an example of an initiative that is targeting resources to improving the health of children most at risk of poor outcomes.

334. Challenging targets have been set for reducing health inequalities for example, a 15% rate of improvement in health for deprived populations. The Children and Young People's Health Support Group recently reviewed the range of policy initiatives relating to child health in Scotland against an assessment tool designed for this purpose by WHO Europe and a series of recommendations will emerge from this process. There is a particular focus on children that are vulnerable through poverty and other life circumstances.

#### **Access to health services**

335. There are now a number of areas where, as part of the *National Service Framework (NSF) for Children, Young People and Maternity Services*, and *Every Child Matters* programme, services in England are able to provide health advice alongside their main area of work, including in extended schools, Sure Start Centres and through supporting parenting programmes. There are a range of specific initiatives in England which cater for the needs of children and young people including:

- The development of *You're Welcome* quality criteria which set out minimum standards for all health care settings, to ensure they are young people friendly. These criteria support the implementation of Standard 4 of the National Service Framework for Children, Young People and Maternity Services;
- Four Teenage Health Demonstration Sites (in Bolton, Hackney, Northumberland and Portsmouth) were launched in August 2006. The sites are exploring and evaluating how services can become better equipped and coordinated to meet the health needs of young people aged 11-19. The programme is being systematically evaluated and the learning will be fed into future commissioning frameworks and inspection systems, so that it becomes embedded into mainstream activity;
- NHS Walk-in Centres (WiCs) are primarily nurse-led (some also offer access to doctors) offering fast convenient access to treatment for minor injuries and illnesses and advice, without requiring patients to register or make an appointment. The first NHS WiC opened in January 2000 and there are now around 90 in England;
- *Our Health, Our Care, Our Say*, includes a commitment to develop new Practitioners with Special Interests (PwSI) roles in learning disabilities and adolescent health (particularly focusing on disabled children and the transitional period from teenager to adult);
- In the same way as adults, children can register as NHS patients with a local GP practice. An application is normally made on their behalf by a parent, or a person who has parental responsibility by them filling in a registration form;
- The Department of Health has committed to review the rules governing access to the NHS by foreign nationals, including NHS primary medical services. The review will be completed by October 2007 and will take into account the 2004 consultation, *Proposals to Exclude Overseas Visitors from Eligibility to Free NHS Primary Medical Services*, as well as the UK's international obligations under the UNCRC.

**Promotion of breastfeeding**

336. The UK Government and devolved administrations continue fully to be committed to the promotion of breastfeeding, which is accepted as the best form of nutrition for babies. The Government has adopted the World Health Organisation's (WHO's) guidance and recommends exclusive breastfeeding for the first six months of life, with continued breastfeeding alongside the introduction of complementary feeding.

337. The UK Government has a commitment to increase support for breastfeeding as part of its strategy to reduce health inequalities. The Priorities and Planning Framework 2003-2006 set local targets to increase breastfeeding initiation rates by 2 percentage points per year, focusing particularly on disadvantaged groups. This target has been included in Local Delivery Plans to support the national target on infant mortality for the planning period to 2008.

338. The Department of Health works in partnership with NGOs and other organisations, including UNICEF, to encourage hospitals to implement Baby Friendly Initiative policies. As part of this work, a new leaflet "*Off to the best start*" is intended to assist health professionals in teaching parents why breastfeeding is the healthiest start. Also, for the first time the Department has launched TV and radio "Filler" advertisements which will continue throughout 2007 and beyond to raise the profile of breastfeeding in England and Wales.

339. The Department of Health support the principles of the International Code for Marketing of Breast-milk substitutes and the relevant WHO resolutions, which are reflected in the European Directive on Infant Formula and Follow-on Formula Regulations and in the UK legislation.

340. The European Directive 91/321/EEC on Infant Formula and Follow-on Formula gives individual Member States the power to go further than the Directive in terms of restricting the advertising of infant formulas. It is in this context that the Department of Health has made a commitment in the *Choosing Health: making healthier choices easier* to review the relevant provisions of the Infant Formula and Follow-on Formula Regulations (1995), with a view to further restricting the promotion of infant formula.

341. The Department of Health is currently working with Food Standards Agency to look at ways in which the promotion of infant formula milk can be further restricted, through UK Regulations. A consultation on draft Regulations is due to be issued shortly and the final national Regulations will be in force from January 2008.

342. In addition the Healthy Start scheme was rolled out across England, Wales and Scotland in 2006. It provides nutritional support to mothers and infants from low income families. The scheme also provides incentives for mothers to breastfeed as they can obtain, via vouchers, healthier foods such as fruit and vegetables, free of charge.

343. In Scotland, over half of the babies are born in UNICEF baby friendly accredited hospitals, which mean that these hospitals have implemented measures to encourage breastfeeding, as recommended by the WHO. In addition, the Breastfeeding etc (Scotland) Act 2005 is the first of its kind in the UK, which makes it an offence to stop or prevent a person feeding milk to an infant in a public place where the infant is legally entitled to be. Scotland is one of the few countries in the world to offer such protection in national legislation.

344. In Wales, currently 46% of all Welsh births take place in baby friendly hospitals. A Grant Scheme has been established to train breastfeeding peer supporters with a particular focus on young mothers. A Breastfeeding Welcome Scheme has been established to encourage businesses to support breastfeeding mothers.

345. In Northern Ireland, since the development and implementation of the Breastfeeding Strategy there have been significant improvements to breastfeeding support in many hospital and community Trusts. These include the promotion and implementation of the UNICEF UK Baby Friendly Initiative, Sure Start programmes involvement in breastfeeding, and the establishment of breastfeeding support groups and peer support programmes.

346. As a result of the above measures breastfeeding initiation rates have been rising across all socio-economic groupings in the UK - 78% in England, 70% in Scotland, 67% in Wales, and 63% in Northern Ireland. The highest incidences of breastfeeding were found among mothers from managerial and professional occupations, those with the highest educational levels, those aged 30 or over, and among first time mothers. The Infant Feeding Survey 2005 published recently shows that 45% of all mothers in the United Kingdom were breastfeeding exclusively at one week, while 21% were feeding exclusively at six weeks. At six months the proportion of mothers who were breastfeeding exclusively was negligible.

### **Preventing female genital mutilation**

347. Female genital mutilation has been a specific criminal offence in the UK since the introduction of the Prohibition of Female Circumcision Act 1985. The Female Genital Mutilation Act 2003 (which repealed and replaced the 1985 Act) made it for the first time, an offence for UK nationals or permanent UK residents to carry out female genital mutilation abroad or, to aid, abet, counsel or procure the carrying out of female genital mutilation abroad, even in countries where the practice is legal. It also increased the maximum penalty from 5 to 14 years' imprisonment. This helped close a loophole which allowed individuals to circumvent UK laws by taking girls abroad to have the procedure carried out.

348. While no prosecutions have yet been brought under the 2003 Act, the new legislation has been used to raise awareness of female genital mutilation amongst relevant professionals, including police forces, doctors and midwives, local authority staff, the education sector and British consular staff. Responsibility for investigating female genital mutilation rests with the police, health workers and local authority children's services. The Act has also provided an impetus for outreach work amongst the practising communities.

349. The Government also funds voluntary organisations which work directly with the practising communities in order to reduce the incidence of female genital mutilation. There are also seven specialist clinics in the NHS catering for the particular health needs of women and girls who have been mutilated. Internationally, the UK Government supports work in a large number of countries, particularly those in Africa, aimed at eradicating female genital mutilation and providing adequate health care for girls and women affected by it.

350. The Prohibition of Female Genital Mutilation (Scotland) Act 2005 repeals and re-enacts for Scotland the provisions of the 1985 Act, gives extra-territorial effect to those provisions and increases the maximum penalty for female genital mutilation in Scotland from 5 to 14 years'

imprisonment and makes unlawful additional forms of female genital mutilation. Since enactment the Executive has engaged the Scottish Refugee Council and local community groups to plan and run awareness raising seminars and workshops in local communities.

### Adolescent health

#### **CRC/C/15/Add.188, para. 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 the 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 background 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.**

#### *(a) & (b) Reducing the rate of teenage pregnancies*

351. Across the UK teenage pregnancy rates have been falling steadily. For instance, England's teenage pregnancy rate has fallen steadily since the Teenage Pregnancy Strategy was launched in 1999. Between the 1998 baseline year and 2005, the under-18 conception rate fell by 11.8%, to its lowest level for over 20 years. The under-16 rate fell by 12.1% over the same period. While there has been steady progress nationally in reducing teenage conception rates, there is huge variation in performance between local areas. The best local authority has seen a reduction of over 40%, whereas in some areas rates have increased - in some cases significantly.

352. The key developments that have supported England's strategy include:

- A national media awareness raising campaign (*RU Thinking*) targeted at 13-17 year old boys and girls, through adverts on independent radio and in teenage magazines. A further campaign (*Want Respect: Use a Condom*), aimed at sexually active older teenagers, focused in high under-18 conception rate areas.

- Encouragement and support for parents to discuss sex and relationship issues with their children, available through the 'Time to Talk' initiative, supported by the Parentline Plus helpline and website;
- All secondary schools have a duty to provide sex education. As a minimum, this requires them to deliver the aspects of sex education in the statutory science curriculum, which includes teaching on human reproduction and Sexually Transmitted Infections/HIV. In addition, schools are strongly encouraged, mainly through the National Healthy Schools programme, to cover wider aspects of sex education - in particular the relationship aspects (avoiding peer pressure, managing positive relationships etc) - within the broader context of Personal, Social and Health Education (PSHE); and
- In Northern Ireland, all post-primary schools are required to provide relationships and sexuality education. The revised curriculum includes a new Personal Development strand, which is compulsory for all pupils. Through Personal Development, schools are required to cover sex education, with the physical aspects of reproduction also being included within Science, personal health and well-being (including physical and emotional) and also relationships (qualities of a loving, respectful relationship) and managing emotions.

353. Since the strategy began, the proportion of 16-19 year old mothers in England who are engaged in education or training has risen from an average of 23.1% for the period 1997-99, to an average of 29.2% in the period 2004-06. In addition, the strategy involves action to: reduce the incidence of infant mortality and low birth weight amongst children born to teenage mothers; improve young mothers' emotional health and well being; and ensure that teenage mothers are not allocated independent tenancies without support. Specific features of the support available to teenage mothers include:

- Intensive support for teenage parents (including fathers) through the Sure Start Plus Pilot programme, which ran until 2006 in 35 Local Authorities. Evaluation of the programme demonstrates significant benefits of dedicated personal advisers providing targeted support. Lessons from the pilots have been mainstreamed into the delivery of Children's Centres and local Targeted Youth Support strategies;
- Financial support to meet childcare costs for teenage parents under 20 returning to education or training, through the 'Care to Learn?' initiative;

354. In Scotland, teenage pregnancy rates have also fallen since 1999, although rates do remain comparatively high in less affluent areas. *Respect and Responsibility*, Scotland's National Sexual Health Strategy, which was published in January 2005, details two specific targets to tackle teenage pregnancies both generally throughout Scotland and more specifically in deprived areas. High quality Sex and Relationships education has been developed and is offered to secondary

schools throughout Scotland. In addition to *Respect and Responsibility*, the Executive is developing policies which address underage drinking and drug abuse, which can contribute to under age and unprotected sex and unintended pregnancies.

355. In Wales, since the launch of the *Strategic Framework for Promoting Sexual Health* in 2000, progress has been made towards reducing high rates of teenage conception. Between 1999 and 2005 the rate for conceptions amongst under 18s fell 15.3% and the rate for under 16s fell 18.8%. However, the Assembly Government considers that figures remain too high and that this work remains a priority. Actions to reduce teenage conceptions have included ring-fenced funding for confidential sexual health services and high quality sex and relationship education through statutory Personal and Social Education in schools.

356. Northern Ireland's Teenage Pregnancy and Parenthood Strategy, comprises a number of actions around the following areas: policy development, information and education, parent/child communication, improving services and training, providing support and research. The Strategy contains a target to reduce the rate of births to teenage mothers aged under 17 by 40% by the end of 2007. Considerable progress has been made towards achieving this target. Latest figures (2003 - 2005) show a reduction to 3.1 per 1,000 births from the 2002 position of 4.1 births per 1,000 girls under 17.

*(c)(i) Mental health and counselling for adolescents*

357. The UK Government continues to improve access to Child and Adolescent Mental Health Services (CAMHS) in England and to improve the life outcomes of children with mental health problems.

358. In England, the Department of Health ensure that all patients who need them have access to a range of services to tackle mental health problems and emotional well-being by 2006. Significant progress has been made towards that target, and by the end 2006-07 all 152 Primary Care Trusts in England reported 24 hour cover available for urgent needs and specialist assessments undertaken within 24 hrs or during the next working day.

359. As a result of the *Every Child Matters* reforms, more multi-agency support teams - some incorporating both generalist and more specialist counselling and therapeutic skills - are being developed across local areas in England. The Department for Children, Schools and Families has provided further encouragement to these developments through *Youth Matters* (described in chapter 3 of this report), and the establishment of 14 Targeted Youth Support Pathfinders.

360. In Scotland, there are a number of strategies in place for improving child and adolescent mental health services. These strategies emphasise the need to provide more consistent support for children and to ensure high quality care and support for those children who are experiencing mental health problems and specifically include commitments for delivery by 2009.

361. In Wales, CAMHS provision at all levels and through all agencies is in the process of being reviewed independently by the Wales Audit Office and the Health Inspectorate Wales. The



Welsh Assembly Government also consulted on a national strategy in February 2007, aimed at developing counselling throughout all schools in Wales. The Assembly Government will continue to address the need to improve provision.

362. In Northern Ireland, an Independent Review (the Bamford Review) of Mental Health and Learning Disability, was established in 2002 and included a review of CAMHS. The review's report (A Vision of a Comprehensive Child) was published in July 2006 and sets out the vision for and makes a wide range of recommendations. Current work includes plans to develop a new 18 bed adolescent mental health inpatient unit which is due for completion in 2008-2009; Crisis Intervention Services funded through the Children and Young People's funding package (worth around £107 million in total); and enhancing CAMHS provision through appropriate timely clinical intervention for young people.

*(c)(ii) Preventing suicide*

363. In September 2002, the Government published the National Suicide Prevention Strategy for England. The strategy supports the Government target to reduce the death rate from suicide and undetermined injury by at least 20% by 2010. The National Service Framework contains important recommendations to address this.

364. In Scotland, Choose Life - a national strategy and action plan to prevent suicide in Scotland - was launched in 2002. It has a target of a 20% reduction in population suicides by 2013. Among the priority groups for action are children (especially looked after children) and young people (especially young men). Each local authority area has a suicide prevention co-ordinator with lead responsibility for the development of local suicide prevention action plans which are tailored to local circumstances and need. This local work is supported by local Choose Life funds provided by the Scottish Government and held by local authorities on behalf of their Community Planning Partners.

365. Following growing concerns about an increase in the number of suicides, particularly among young people, a Taskforce was established in July 2005 to develop a separate Suicide Prevention Strategy for Northern Ireland. The subsequent strategy aims to tackle the issue throughout the general population, but also contains actions aimed at those individuals and communities at most risk, particularly young males. £1.9 million has been secured for the implementation of the Strategy in 2006-07, and a total of £3 million has been identified for 2007-08 onwards.

*(d) Supporting homosexual and transsexual young people*

366. New legislation introduced in the UK since 1999 prohibits discrimination against homosexual and transsexual young people. Further detail on this, and on wider work to combat discrimination, is given in chapter 3 of this report.

367. Section 28 of the Local Government Act 1988 was repealed in England and Wales in 2003 and in Scotland in 2000.

## Standard of living

### **CRC/C/15/Add.188, para. 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.**

### *(a) Reducing child poverty*

368. In the two decades prior to 1997, child poverty in the UK more than doubled and the UK had one of the highest child poverty rates in Europe. In March 1999, the UK Government pledged to eradicate child poverty within a generation. Its first challenge was to address this underlying increase, and then make progress towards its commitment to halve child poverty between 1998-99 and 2010-11 and eradicate it by 2020. Progress against the target to halve child poverty is measured by two indicators:

The number of children in households with income less than 60 per cent of contemporary median; and

The number of children in households with income less than 70 per cent of contemporary median, combined with material deprivation.

369. The Government’s strategy for tackling child poverty and material deprivation is set out in the *Child Poverty Review (2004)*. The strategy includes:

- Measures to ensure that work pays through employment opportunity for all, with financial support for those who need it;
- Supporting parents, so that they are able effectively to support their children;
- Delivering high quality public services in all neighbourhoods, with targeted support for those with additional needs;
- Tackling the underlying causes of poverty, such as educational underachievement, low skills, lone parenthood, disability, and poor housing and neighbourhoods.

370. The UK Government's system of financial support for families is based on help for all families with additional help for those who need it most. It is delivered primarily through a combination of Child Benefit and Child Tax Credit (see below). In March 2007, the Department for Work and Pensions (DWP) released *Working for Children*, outlining the contribution to be made by employment policies in tackling child poverty.

371. Tax credits are now benefiting around 10 million children in 6 million families in the UK. In 2004-05, take-up of tax credits for families with children was 82 per cent, rising to 97 per cent for those on incomes less than £10,000, significantly higher than for previous comparable systems of support. In the 2007 Budget, a package of reforms was announced, designed to simplify the personal tax and benefit system, to make work pay and to tackle child poverty. These will provide additional support to families with children, by increasing the child element of the Child Tax Credit, in April 2008, by £150 per year above earnings indexation. Combined with the 2007 Budget's other reforms to personal taxation and tax credits, this is expected to lift a further 200,000 children out of relative poverty. As a result of all reforms to the tax and benefit system since 1997-98, by April 2009 families with children will have benefited from around £13bn additional spending, and will be, on average, £1,800 a year better off in real terms. Families with children in the poorest fifth of the population will be £4,000 a year better off.

372. Child poverty has fallen faster in the UK than in any other EU country, and is now close to the European average. Between 2004-05 and 2005-06 the number of children in relative low-income households rose by 100,000. The first set of data on material deprivation in 2004-05 became available last year and, since then, the Government has been analysing it and will, later this year, set a baseline and threshold for the measure later this year. As the indicator has not yet been determined, it has not been possible to assess progress against this aspect of the child poverty target.

373. The number of children in relative poverty<sup>2</sup> in England has reduced significantly. In 2005-06 there were 600,000 fewer children in relative poverty than in 1998-99. This is a decrease from 26 per cent to 22 per cent of children. In England, local areas are required to work towards achieving the economic well-being of children, as set out in *Every Child Matters* and the Children Act 2004.

374. In Scotland, child poverty has been reduced by over a third. Since 1998-99, 100,000 children have moved out of relative low income - a reduction of 34%. In terms of children in absolute low incomes, for the same period the number has more than halved.

375. The new Scottish government has committed to sharing the UK Government's long term target to eradicate child poverty by 2020. The progress made in Scotland is more fully described at chapter I.

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<sup>2</sup> Relative low income is defined as children in households with an income below 60% of contemporary median household income. Incomes are equivalised - that is adjusted to take account of family composition - using the Modified OECD scale, and are reported before housing costs are deducted.

376. In Wales, the percentage of children living in relative income poverty has fallen from 35 per cent (of all children in Wales) at the time of devolution (1997-98/1999-2000) to 28 per cent in the most recent period (2003-04/ 2005-06). The Welsh Assembly Government's Child Poverty Strategy and Implementation Plan set out how it will play a full and active part in meeting its shared commitment with the UK Government to eradicate child poverty by 2020.

377. Lifetime Opportunities, Northern Ireland's Anti-Poverty and Social Inclusion Strategy was launched on 13 November 2006. The new strategy's two overall objectives are to work towards eliminating poverty and social exclusion in Northern Ireland by 2020 and to end child poverty by 2020 - based on the estimate of approximately 130,000 children in Northern Ireland in relative income poverty in 1998-99, this means lifting 65,000 children out of poverty by 2010 on the way to eradication by 2020. Although 'Lifetime Opportunities' and its associated Objectives, Goals and Targets are still formally to be considered by the Northern Ireland Executive Committee, Section 16 of the Northern Ireland St Andrews Agreement Act 2006 places a statutory obligation on the Northern Ireland Executive Committee to adopt a strategy setting out how it proposes to tackle poverty, social exclusion and patterns of deprivation based on objective need.

(b) *Reducing youth homelessness*

378. In England, the homelessness strategy *Sustainable Communities: settled homes; changing lives* described how children can become homeless for a wide range of often complex reasons. Current estimates are that about 7,500 16-17 year olds are accepted as homeless by housing authorities each year. Statutory protection available for children who are at risk of homelessness has been strengthened and local authorities are encouraged to tackle youth homelessness. Since 2002, 16-17 year olds (with certain exceptions) and young adults aged 18-20, who were formerly looked after children, have been given priority for accommodation under the homelessness legislation. This means they must be secured suitable accommodation if they become homeless through no fault of their own.

379. The Government is working to improve links between housing services and children's services to safeguard children at risk of homelessness. The revised statutory Homelessness Code of Guidance (published in July 2006) which explains local authorities' duties under the homelessness legislation, includes a new separate chapter on 16-17 year olds, providing guidance on the specific duties that housing authorities have towards this group.

380. The Government has also taken a number of other new steps:

- A new partnership with YMCA England and Centrepont to deliver a National Youth Homelessness scheme, including developing a network of supported lodgings schemes across England and ensuring young people have access to them;
- Setting up a committee of formerly homeless young people, to advise Ministers directly on policy by sharing their experience and concerns;
- Establishing a new Centre of Excellence in every region where those councils that have already made good progress in tackling youth homelessness will share expertise with neighbouring councils and agencies;

- Supporting the development and embedding of innovative models of tackling youth homelessness. For instance, funding the Foyer Federation to roll out the Safe Moves model in 2006-07, encouraging its adoption by local authorities (see response on runaways below for more detail).

381. As a result new cases of homelessness reported by local authorities have fallen in the most recent year to 17,230 - the lowest level since the early 1980s. However, more than a third of new cases of homelessness were young people aged under 25.

382. In Scotland, the Housing (Scotland) Act 2001 and the Homelessness etc (Scotland) Act 2003 have introduced a number of changes to the way homelessness is tackled. These include:

- Requiring all local authorities to develop and publish a homelessness strategy;
- Giving priority need for accommodation to all households with dependent children who present as homeless, and to all 16-17 year olds who present as homeless;
- Requiring local authorities to take the best interests of children into account in discharging their homelessness functions and;
- Preventing the routine use of unsuitable temporary accommodation for children or pregnant women through the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.

383. These measures have produced a number of positive outcomes, for example by 2006 there has been a 10% reduction in the number of children in hostel accommodation and a similar reduction in the number of children in bed and breakfast.

384. In Wales, legislation has been passed to end the long term placement by local authorities of young homeless people in bed and breakfast accommodation, which came into effect in April 2007. The Homelessness (Suitability of Accommodation) (Wales) Order 2006 also sets higher standards for shared temporary housing for young people, and requires local authorities to take account of their personal, social and health needs when securing accommodation for them. The Children's NSF in Wales also addresses the needs of children who are homeless. As a result of this legislation and a strong response by local services, the number of families found to be homeless fell by 38% from 2004-06 and over 2006 the number of homeless families living in hotels fell by 40%.

385. In Northern Ireland, proposals are currently under development to bring the legislation covering youth homelessness more closely into line with equivalent legislation in other parts of the United Kingdom. This would mean that additional groups of children, including all 16 and 17 year olds, who are homeless and who do not fall within the remit of social services, would be given priority need status.

*(c) Benefits and social security allowances for 16 to 18 year olds*

386. It is the policy of the UK Government not to encourage children to leave home unnecessarily or before they are ready, so in most cases financial help for children goes to their parents in the form of Child Benefit or Child Tax Credits. However, the rules are flexible enough to make sure that the most vulnerable children can get benefit in their own right if they need it. For example, Income Support or Jobseeker's Allowance can be paid to lone parents and to young people estranged from their parents. *Supporting Young People to Achieve* (March 2004), the report of the cross-Government Review of Financial Support for 16-19 year olds, set out a range of measures, which came into effect in April 2006. These include changes to Child Benefit and Income Support rules to extend financial support to unwaged trainees and to 19 year olds finishing their course; revised guidance for Jobcentre Plus staff to improve and simplify the processing of claims for Job Seekers Allowance by 16-17 year olds; and guidance for parents and young people on financial support.

387. In addition, the 2005 Budget introduced £60 million over 2 years to pilot Activity Agreements and an Activity Allowance for 16-17 year olds not in employment or learning in 8 areas of England from April 2006, and £80 million over 2 years to pilot a negotiated Learning Agreement for 16-17 year olds in work with no training in 8 areas of England from April 2006.

**B. National programmes - update****Survival and development**

388. In addition to the support for health and development detailed above in response to the Committee's concluding observations, there has been an unprecedented expansion in England and Wales in early education and childcare since 1997, investing well over £21 billion on services to help give young children the best possible start in life. Since the UK's last report, the Childcare Act 2006 has become the first UK legislation to be devoted to early years and childcare. It gives statutory authority to key commitments in the Government's Ten Year Childcare Strategy, published in December 2004.

389. The Act creates a duty on English local authorities, working in partnership with the NHS and Jobcentre Plus and with private, voluntary and independent providers and parents, to improve outcomes for all young children in their area, and reduce inequalities between them. These provisions include a specific duty to have regard to the views of young children themselves (section 3(5)).

390. The improvement of outcomes for young children is primarily being achieved through the creation of Sure Start Children's Centres. These are one-stop central hubs for children under the age of five and their families, with early access to family health care, advice and support for parents including drop in sessions, outreach services, integrated early education and childcare and link through to training and employment. In June 2007, there were 1,294 Sure Start Children's Centres - it is planned that there will be 2,500 Centres in operation by 2008, so that the most disadvantaged families will have access to a Centre; and 3,500 Centres by 2010, so that there will be a Centre in every community.

391. The Early Years Foundation Stage (EYFS), which all registered early years providers and schools will be required to deliver from September 2008, brings together learning, development and care of all children from birth to five, regardless of the setting, and removes the current divide between both care and education and children aged 0-3 and 3-5 years. It draws on the existing *Birth to Three Matters*, the Curriculum Guidance for the Foundation Stage, and the National Day Care Standards to secure high quality, play-based and child-centred provision. This will ensure that all young children, regardless of family circumstances, have access to a high quality learning and development experience which evidence demonstrates leads to the achievement of higher outcomes later in life. Reformed inspection arrangements are designed to ensure that early years providers are delivering the care, learning and development set out in the EYFS. As a result, parents can be confident that whichever setting they choose, their child will receive high quality provision. Similar arrangements have been put in place by the Welsh Assembly Government.

392. In Scotland, pre-school education is underpinned by *A Curriculum Framework for Children 3 to 5*. This is currently under review as part of A Curriculum for Excellence which is reviewing the 3-18 curriculum in Scotland. The early stage of A Curriculum for Excellence will cover aged 3 to the end of primary 1 (around 6 years) and will encourage a more active approach to learning and teaching in early primary and will improve transitions between nursery and primary school. In 2005 the Executive published *Birth to Three Supporting our Youngest Children* which provides guidance for those caring for children and very young children. In Scotland regulation of all early years and childcare settings is undertaken by the Care Commission, in partnership with HMIE where settings are providing pre-school education.

393. In Northern Ireland, Early Years Services transferred to the Department of Education (DE) from November 2006, (prior to that policy responsibility for Early Years was with the Department of Health and Social Services and Public Safety). The rationale for the move is to join up delivery to provide better outcomes for children and parents, and deliver Early Years services from an integrated care and education platform. "Age-appropriate" is at the heart of DE's learning strategy, and for young children that means play. DE is currently implementing a developmental programme for 2 year olds (based on *Birth to Three Matters*) which will focus on constructive play in group settings to enhance the children's social development, build on their communication and language skills, and encourage their imagination through play. Furthermore, the Northern Ireland education system has recognised the value of play with the introduction of the Foundation stage for Primary 1 and Primary 2, which recognises that preparation for learning is most effective when children learn through an enriched and play-based experience.

### **Children with disabilities**

394. In 2005 the UK Government published *Improving the Life Chances of Disabled People*. The report looked across a wide range of services at the barriers faced by disabled people, including children, and the need for improvements to give disabled people the same opportunities and wide range of services as the rest of society. The report supports the Government's long-term vision that by 2025, disabled children and adults should have full opportunities and choices to improve their quality of life and will be respected and included as equal members of society. Following the report, a new *Office for Disability Issues* was established to act as a strategic unit responsible for coordinating the UK Government's work on disability and ensuring that this fits with the wider equalities agenda.

395. To provide specific support, the National Service Framework for Children, Young People and Maternity Services includes five specific standards for children in England with particular needs, such as disabled children. The standard for disabled children, states that “*Children and young people who are disabled or who have complex health needs receive co-ordinated, high quality child and family-centred services which are based on assessed needs, which promote social inclusion and, where possible, which enable them to live ordinary lives.*”

396. Along with the disabled children’s standard and the five core standards of the National Service Framework, the UK Government is implementing a range of specific further work to support the families of disabled children, for instance:

- The Family Fund provides grants across the UK directly to approximately 45,000 families per year with severely disabled children up to age 16, where the family income is less than £23,000 a year. How the grant is used will depend on the needs of the family. Examples include: family holidays for those who would otherwise not have a break, bedding and clothing, washing machines and other appliances, transport costs to help ease the burden of frequent hospital visiting, play equipment and other practical support. The fund operates on a UK wide basis, and will receive nearly £30 million in 2007-08 from England, Northern Ireland, Scotland and Wales;
- The UK Government is increasing funding for short breaks in England through yearly increases in the Carers’ Grant, worth £185 million in 2005-06 and around 20% of which is spent on children’s services. In Wales the £5.9 million Carers’ Grant transferred into the local authorities’ Revenue Support Grant from 1 April 2006.

#### *Disabled Children’s Review*

397. The *Disabled Children Review: Aiming High for Disabled Children - Supporting Families* was published in May 2007. Building on Every Child Matters, it sets out further reform of children’s services in England from 2008 to 2011 to empower disabled children, young people and their families, boost prevention and early intervention, make services more responsive and personalised, and improve the engagement of children and families.

398. The review provides over £340m of new investment from 2008 to 2011, to make a step change in the provision of respite care or short breaks for families with disabled children, preventing stress and potential family breakdown.

#### *Special Educational Needs (SEN)*

399. A new long-term SEN strategy for England, *Removing Barriers to Achievement* was published in 2004 promoting further improvements in SEN provision through early intervention, embedding inclusive practice, developing teachers’ skills and delivering improvements in partnership. The Government established a team of SEN advisers to visit all 150 local authorities in England supporting implementation of the strategy.

400. In Scotland, the Education (Additional Support for Learning) (Scotland) Act 2004 replaces the system for assessment and recording of children and young people with special educational needs, including the Records of Needs process, established by the Education (Scotland)



Act 1980. The 2004 Act introduces a new system for identifying and addressing the additional support needs of children who face a barrier to learning. The Act encompasses any need that requires additional support in order for the child to learn.

401. In Northern Ireland, the Special Educational Needs and Disability (Northern Ireland) Order 2005, (SENDI), has strengthened the right of children with SEN to be educated in mainstream schools where parents want it and the interests of other children can be protected. A total of £57.8 million (over three years) is being provided to implement SENDI.

402. In Wales, Estyn (the Schools Inspectorate) undertook a review of *Best Practice in the Development of SEN and Delivery by Schools of the Agreed Action* (2004), and further commissioned research was undertaken on *Modernising the Management of SEN in Wales* (2004). The Welsh Assembly Government is currently developing a National Inclusion Policy and Performance Framework. Estyn will be monitoring inclusive educational practices during 2007-08, as part of its remit.

### **Health and health services**

403. The UK Government's vision for improving the health of children, young people and pregnant women in England is set out in the *National Service Framework (NSF) for Children, Young People and Maternity Services*, published in 2004. The NSF comprises eleven standards, to be delivered by 2014. Each standard contains markers of good practice, which will help the NHS, local authorities and partner agencies to achieve and demonstrate high quality service provision for all children, young people and their parents and carers.

404. The Children's NSF does not restrict itself solely to the NHS area of services but focuses on all areas of service provision which will have an impact on a child or young person's life, health and well-being. Progress in implementing the standards is monitored and evaluated at both local and national levels, but the management of the NSF in Wales is being undertaken by the Children and Young People's Framework Partnerships and data collected from the various service sectors feeds into a self-assessment audit tool used to determine local priorities and to inform decisions on national ones. In England activity to deliver the NSF includes:

- An extensive programme of work to safeguard children. In August 2006, £12 million of capital monies were distributed to Strategic Health Authorities to support child safeguarding work carried out by Primary Care Trusts (PCTs), NHS Foundation Trusts, and NHS Trusts;
- Investing £27 million over three years in children's hospices and hospice at home services, starting in 2006;
- Introducing a series of Life Checks at three key stages of life (early years, adolescence and mid-life). The Early Years Life Check will help parents (and carers) to identify the support they need to ensure that their child achieves the best health outcomes possible. The Teen Life Check - an on-line quiz style questionnaire - has been designed to empower young people to take greater control of their health and well-being by raising their awareness of risk taking behaviour and the range of local and national support services available to them. The tool, launched in February 2007 is being piloted in the

Teenage Health Demonstration Sites (see paragraph 3 above). The evaluation findings will inform the next steps; and [DH] [DN: need to check the reference to para]

- The Department for Health and Department for Children, Schools and Families have commissioned the National Youth Agency to embed health knowledge and skills within youth work, through lifelong learning UK, which sets the framework and standards for Higher Education Institutions. This will maximise opportunities for the provision of health information, advice and guidance in non-traditional settings. [DH]

405. In England there has been record investment in the NHS - rising from £33 billion in 1996-97 to £92.2 billion in 2007-08. This increased investment is enabling the NHS to expand its capacity to care for patients with many of the improvements in health and social care benefiting children. The Department of Health published *Choosing Health, Health Reform in England: update and next steps* in 2004, and in 2006 published *Our health, our care, our say*. Together, these documents describe the direction of reform for health and adult social care in England, towards services designed around the needs of the patient, based on the principle of informed choice.

406. The *Action Framework for Children and Young People's Health in Scotland* sets out key areas of activity relating to children's health in Scotland for the next 3-10 years and provides a basis for taking forward work on key child health issues. Health services in Scotland have tiered levels of intervention to ensure that those children and families who have a greater level of need are able to access a higher level of support.

407. In Wales the Assembly Government's National Service Framework (NSF) for Children, Young People and Maternity Services was launched in September 2005. The Welsh NSF is drafted on a rights basis, and sets out 21 standards over 200 specific key actions which will deliver the standards of service in health, social care, and other local government services (education, transport and environment), from before birth to adulthood.[Wales]

408. The Northern Ireland Public Health Strategy *Investing for Health*, launched in 2002, sets out in detail government's priorities for improving the health and well-being of the people of Northern Ireland. *Investing for Health* has established partnership arrangements, such as the cross Government Ministerial Group on Public Health and at local level Investing for Health partnerships, to support and encourage action to improve health by all sections of society.

#### *Looked after children*

409. Since the UK's last report, the Healthy Care Programme has been funded by the Department for Children, Schools and Families and developed by the National Children's Bureau. It is a practical means of improving the health and well-being of looked after children and young people in England in line with the Department of Health Guidance *Promoting the Health of Looked After Children* (2002).

410. Additional proposals to support the health of looked after children in England were published by the UK Government as part of the *Care Matters* consultation in October 2006. Additional measures to support the physical and mental health of looked after children in England were set out in *Care Matters: Time for Change* in June 2007 including an appropriate

focus on looked after children within forthcoming Joint Strategic Needs Assessment and the re-issuing of *Promoting the Health of Looked After Children* on a statutory footing for both local authorities and healthcare bodies.

411. In Wales, the Assembly Government policy *Toward a Stable Life*, supported by regulations that come into effect in July 2007, sets out new duties on Welsh local authorities and their statutory partners in 22 Children and Young People's Partnerships, to improve the health and wellbeing of looked after children. These changes place increased emphasis on the child's health and educational needs (in particular, any mental health needs the child may have) and of the services required to meet those needs; prescribe timescales for health assessment; cover registration and transfer of medical records to GPs and put in place new tracking and health monitoring systems.

412. The Scottish Executive published a report on the educational outcomes of looked after children in January 2007, *'Looked after children and young people: we can and must do better'*. One of the key proposals in this report was that each NHS Board will assess the physical, mental and emotional health needs of all looked after children for whom they have responsibility and put in place appropriate measures which take account of these assessments. They will ensure that all health service providers will work to make their services more accessible to looked after children and to those in the transition from care to independence.

413. The LACE (Looked After Children in Education) project was established in 2001 and has been developed by Include Youth, VOYPIC and Save the Children. Its overall aim is to improve the educational outcomes of looked after children in Northern Ireland by informing practice and policy development. The LACE project works in partnership with all agencies which contribute to the education of looked after children - in particular Health and Social Care Trusts, the Education and Library Boards and their education services, schools, the Youth Justice Agency, the youth service and community groups working within each of the three pilot project areas. There are also two initiatives within the Children and Young People's Funding package aimed at improving education provision for looked after children.

#### *Reducing smoking*

414. The UK Government and devolved administrations are determined to prevent children from becoming addicted to smoking, and to help those young people who do smoke to give up. A continued multi-faceted tobacco control programme is being taken forward by the UK Government and devolved administrations, which includes:

- All enclosed and substantially enclosed public places and workplaces have become smoke free to reduce children's exposure to second-hand smoke;
- Recent media campaigns focusing on motivations that matter to young people: links between smoking and impotence for young men and damage to physical appearance for young women. There is also education in school throughout the UK about the danger of smoking including under the National Curriculum in England and Wales throughout the school career;

- A comprehensive ban on all tobacco advertising, promotion and sponsorship in the UK, including internet advertising. Research has shown that banning tobacco promotion has had a significant impact on children; and
- The age of sale for tobacco is to be raised from 16 to 18 from October 2007 in England, Scotland and Wales. In Northern Ireland, the Assembly will shortly be invited to consider raising the age of sale. There will also be tougher sanctions against retailers who repeatedly flout the law on under-age sales.

415. Smoking rates among 11-15 year olds in England have been reduced from 13% in 1996 to 9% in 2005. In Wales, data suggests that the proportions of 11-16 year olds smoking were 13.9% in 1996 and 11.6% in 2004.

416. The Welsh Assembly Government is targeting prevention messages at young people through initiatives such as Smokebugs Clubs for primary school children and the Smoke-Free Class Competition in secondary schools, both well-established projects. More recently, after a very successful pilot, the Assembly Government is funding the ASSIST project which is being rolled out by the National Public Health Service. This is a school-based peer education project. Pupils in year 8 (aged 12 to 13) are trained to intervene effectively in everyday situations in order to prevent smoking uptake and promote smoking cessation among their peers.

417. In Scotland, smoking prevalence among 13 year olds has declined since 1998, from 9% to 3% among boys and from 11% to 5% among girls. Among 15 year olds smoking prevalence has declined since its peak in 1996, from 30% for both boys and girls to 12% and 18% respectively. The Scottish government is also committed to reducing this further and will be publishing a new 5 year Smoking Prevention Action Plan aimed at preventing children and young people from starting to smoke and becoming regular smokers. This will build upon the tobacco control work already undertaken and include a wide range measures including improved educational programmes and steps to reduce the availability of cigarettes to children.

### *Alcohol*

418. In June 2007 the UK Government published a new strategy for England, focusing on early interventions to reduce the harm caused by alcohol. New action includes more help for people who want to drink less, investing well over £6 million in public information campaigns to promote sensible drinking, new clear drinking guidance for parents and children, an independent review of alcohol pricing and promotion, compulsory local alcohol strategies in every area and toughened enforcement of under-age sales laws for retailers.

419. In England, in 2006 fewer young people aged 11-15, reported drinking than in 2001, but those who do drink are consuming more alcohol, more frequently. Whilst 43% of 11 to 15 year olds have never had an alcoholic drink, the 22% who reported drinking in the previous week were drinking greater quantities than reported in previous surveys. Worryingly, the amount of alcohol consumed by 11 to 13-year olds who drink continues to climb, from an average of 5.6 units a week in 2001 to an average of 10.1 units a week in 2006. Also, high levels of alcohol consumption are linked with a range of high-risk behaviours, including teenage pregnancy, anti-social behaviour, offending, and truancy.

420. Since the publication of the 2004 alcohol strategy, there has been significant progress on tackling underage drinking. Test purchase campaigns indicate that it is increasingly difficult for under-18s to purchase alcohol. However, evidence suggests that younger adolescents obtain alcohol from parents and peers.

421. While there are no current plans to raise the age at which alcohol may be consumed or bought, there is a growing emphasis on the provision of guidance to parents and children. The Government is committed to providing guidance and advice to young people and parents based on the advice of a panel of youth experts (as well as on consultation with young people).

422. Reducing harmful drinking by children is one of the key priorities in the Scottish Executive's Updated Plan for Action on Alcohol Problems - aiming for a Scotland in which alcohol is treated responsibly. The Executive is looking to improve school and community based education, improve support for parents and ensure children affected by alcohol problems have access to appropriate prevention, education and treatment services. Measures have been introduced in the Licensing (Scotland) Act 2005 which will tackle under-age drinking. It will be a condition of holding a licence for all licensed premises that they operate a no-proof no-sale system. This means requesting proof where age is in doubt and displaying nationally approved signage. In addition, since June 2006 a trial test-purchasing scheme has been in successful operation in one Scottish police area.

423. The Scottish Schools Adolescent Lifestyle and Substance Use Survey found that, in 2004, 84% of 15 year olds and 57% of 13 year olds had had an alcoholic drink. 43% of those 15 year olds and 15% of those 13 year olds reported drinking in the last week. Both 13 year olds and 15 year olds who are regular drinkers are more likely to smoke or use drugs than those who do not drink.

424. Alcohol (and drugs) education is delivered in a consistent manner across Wales by the All Wales Schools Programme. The delivery of the Programme ensure that all children in school are receiving key messages and are informed about the choices that they can make. The Programme is delivered by the four Wales police forces and is jointly funded by the police and the Welsh Assembly Government.

425. The aims and objectives of the Programme are to: work towards achieving crime and disorder reduction within young communities through the medium of education and to promote the principles of positive citizenship, in school and in the wider community

426. The partnership between schools and the Police provides a positive strategy to schools so that all pupils have opportunities to enhance their knowledge, understanding, behaviour, attitudes, values and skills regarding: substance education, which includes alcohol and illegal drugs, anti-social behaviour and personal safety. The Programme operates in 97% of primary and secondary schools in Wales. An external evaluation of the Programme was published in autumn 2005, which reported that there had been good progress, in a short period, in implementing the Programme nationally. It was judged to have been well received by pupils and to be on a very sound footing. The Programme has been extended to cater for children and young people disengaged from the formal education system.

## **Social security and childcare services and facilities**

### *Childcare*

427. Since 1997, the UK Government has substantially invested in services for young children and families. In 1997, there was a registered childcare place for 1 in 8 children under 8, whereas there is now a registered place for 1 in 4 children. At December 2006, the stock of registered childcare stood at over 1.29 million places (more than double the 1997 level). The 1.29m registered places are being delivered by over 96,000 childcare providers, including more than 71,500 childminders.

428. The Childcare Act 2006 places a duty on local authorities in England and Wales to secure sufficient childcare for working parents. They must secure, “so far as is reasonably practicable”, the provision of childcare (whether or not provided by them) that is sufficient to meet the needs of parents in their area who require it.

429. The 2006 Act also places a duty on local authorities to secure prescribed early years provision free of charge in specified circumstances. Under sections 12 and 27, the local authority must provide information, advice and assistance about the provisions for childcare in the area.

430. In April 2006, a ‘Home Childcarer’ scheme was introduced in Northern Ireland, providing a new form of registered childcare to allow parents to have approved childcare in their own home and claim tax credits against the cost. From April 2007, the introduction of the Home Childcarer Approval Scheme provides flexibility for parents who work outside usual working hours and those with disabled children to access registered childcare or to receive financial assistance with childcare costs.

431. In Wales, the Childcare Act 2006 supports similar duties - to secure the sufficient provision of childcare, and to provide information, advice and assistance regarding childcare and other family services in the area. The Assembly Government has secured European Social Funds of approximately £12.5 million over 3 years (2005-08) for the Genesis Wales project, which provides in each local area a comprehensive package of advice, guidance, support and childcare for individuals wishing to access work, training, and or learning opportunities. Since 1999, the number of registered childcare places in Wales has increased from 54,603 to 67,711 at March 2006.

432. In Scotland all 3 and 4 year olds are now entitled to twelve and a half hours of free pre-school provision for 33 weeks per year, to increase to 38 weeks from August 2007. Ninety nine per cent of 4 year olds and ninety six per cent of eligible 3 year olds were registered for pre-school education in January 2007.

433. The Scottish Executive’s Childcare Strategy aims to provide affordable, accessible, good quality childcare for children in all neighbourhoods. In order to achieve these aims the Executive provides Childcare Strategy funding to local authorities who are responsible, in consultation with their Childcare Partnerships, for allocating the funding to meet local childcare needs. The Childcare Strategy funding has risen from £5.75m in 1999, to its present level of £44.56m (2007-08). In March 2007, there were 156,814 registered day care places for children (source: Scottish Commission for the Regulation of Care).

434. In addition to the Scottish Executive's Childcare Strategy funding, additional funding is being provided to promote and develop the childcare at home service or the 'baby-sitters' service. This service provides childcare in the child's own home from early morning until late evening 7 days a week.

#### *Child Benefit*

435. All families with children (with the exception of asylum-seeking families) receive Child Benefit to help with the costs of bringing up children. It is non-taxable, non-income-tested and is payable in respect of every child under 16, for 16-18 year olds in full-time non-advanced education or on unwaged Government-arranged training programmes, and for 19 year olds completing an eligible course of non-advanced education or training which they started before their 19<sup>th</sup> birthday. Since 1999, Child Benefit has been increased annually in line with or above inflation. In 2007-08 it is worth £18.10 a week for the first (eldest eligible) child and £12.10 for every other child. The first child rate has increased in real terms by 25% since 1997. The Government has announced that Child Benefit for the eldest child will increase to £20 per week in April 2010.

#### *Child Tax Credit*

436. In April 2003, the UK Government introduced the Child Tax Credit (CTC), to bring together various strands of income-related support for families with children. CTC is a single, inclusive system of support for all families with annual incomes up to £58,000 (or £66,000 for those with a child under 1). 9 out of 10 families are entitled to CTC, which consists of a family element, child elements and disabled child elements. The family element is worth £545 in 2007-08, with a baby addition of £545 for households with a child under 1. The child element of CTC is payable for each child in the family and is worth £1,845 a year in 2007-08, a total increase of £400 since its introduction. The child element will rise further to £2,080 from April 2008.

#### *Working Tax Credit*

437. In 2003 the Government introduced the Working Tax Credit which provides financial support on top of earnings, and together with the National Minimum Wage helps to improve work incentives and relieve in-work poverty. It includes a childcare element to help working families with their childcare costs.

438. The Government has taken firm action to improve the credibility of the tax credits system. In particular parents are supported through the system by the Children's Information Service. From April 2006 the disregard for increases in income from one year to the next rose from £2,500 to £25,000. This ensured almost all families with increasing income will not have their tax credit entitlement reduced in the first year of the increase, further boosting work incentives and supporting childcare costs.

#### *Child Trust Fund*

439. Children living in the UK for whom Child Benefit is being received and who were born on or after 1 September 2002 are entitled to a Child Trust Fund. Parents automatically receive a

£250 voucher to put in a Child Trust Fund account that they choose for their child and can then, along with grandparents and others, make additional payments into the account. Children in families on low incomes and looked after children receive an additional payment of £250. The Government will also provide an extra £100 per year for every looked after child - this came into effect from 1 April 2007. The account belongs to the child and the money is theirs to use as they think best when they reach 18. Extra payments are received when children reach 7. In Wales, the Assembly Government operates a Child Trust Fund grant scheme for looked after children and encourages Welsh local authorities to make top-up payments into the Funds of looked after children they look after.

### **Standard of living**

440. Take-home pay, including tax credits and child benefit, for a single earner couple on male mean earnings, has risen by around 15 per cent in real terms since 1997-98; for the same family on half male mean earnings, the increase has been over 30 per cent. Office for National Statistics (ONS) household survey data shows that mean incomes for households with children have risen by over 20 per cent since 1997-98, above the average for all households, and with stronger gains for those in the bottom two quintiles.

441. The number of children living in absolute poverty (as defined in the UK) has fallen dramatically since 1998-99. This means that the percentage of children living in households with incomes less than 60 per cent of 1998-99 median income held constant in real terms has more than halved since 1998-99, a reduction in the number of children in absolute poverty of 1.8 million.

### **Measures to prevent HIV/AIDs and other sexually transmitted infections**

442. Since 1999, all pregnant women in England have been offered an HIV test to reduce the level of undiagnosed HIV amongst pregnant women. This policy has greatly reduced the number of HIV infected babies born in England and has ensured that pregnant women are able to take full advantage of ante natal HIV therapy to maximise their health and that of their unborn babies. 95% of pregnant women with HIV are now diagnosed during the course of pregnancy (up from 81% in 2001), enabling interventions to prevent mother to child transmission of HIV in the majority of cases, and exceeding the target set for 2002.

443. As a result of sustained public education and health promotion programmes the UK continues to have a relatively low HIV prevalence compared to other EU countries. Since the late 1990s there has been a large drop in the number of AIDS diagnoses and 70% drop in AIDS deaths following the successful uptake of highly active anti-retroviral therapies.

444. The Government has launched three campaigns in England as part of its cross departmental integrated approach to achieve the PSA target to halve the rate of under-18 conception by 2010 as part of a wider programme to improve sexual health. The campaigns work to educate people about the risks associated with unsafe sexual practices including the spread of HIV and other STIs as well as unintended pregnancies. They are *R U Thinking*, targeting under 16s, and *Want Respect? Use a condom*, targeting 16 - 18 year old socially disadvantaged teenagers and *Condom Essential Wear*, targeting 18 - 24 year old young adults who engage in sexually risky behaviour.



445. In Scotland, Universal Antenatal Testing was implemented in 2003, which has reduced considerably the number of babies born to HIV infected mothers who did not know their HIV status during pregnancy. Inevitably, there will be an extremely small number of children who are born with HIV or contract it in childhood and anti-retroviral therapy is available for those who require it, including children born outside the UK.

446. Genital Chlamydia trachomatis infection is the most commonly diagnosed bacterial STI in Genito-Urinary Medicine clinics in the United Kingdom. The prevalence is highest in young sexually active adults, especially women aged 16 to 24 years and men aged 18 to 29 years. The National Chlamydia Screening Programme (NCSP) targets 16-24 year olds. Its aim is to implement an evidence-based and cost-effective national prevention and control programme for genital chlamydial infection across England in which all sexually active men and women under 25 years of age are aware of chlamydia, its effects, and have access to services providing screening, prevention and treatment to reduce their risk of infection or onward transmission. Of more than 270,000 screens performed to date (June 2007), approximately 1 in 10 of those screened were found to be positive, with the highest levels found in females aged 16-19 and males aged 20-24.

447. In Wales, work to combat chlamydia has focused on ensuring that all young people attending for family planning/sexual health advice are offered the opportunity of testing for chlamydia. Wales has also established a sexual health network involving statutory and voluntary agencies to provide a forum for the sharing of best practice in all aspects of sexual health promotion.

448. In Scotland, school based Sex and Relationships Education - through programmes such as Sex and Relationships Education (SHARE) provides learning opportunities for children at school, including learning about HIV and STIs. The Executive's Health Demonstration Project Healthy Respect works to promote learning and development of accessible services in response to concerns about rising STIs amongst young people in Scotland.

449. In addition to existing chlamydia testing, postal testing kits for chlamydia have been offered to all NHS Boards in Scotland through a National Health Demonstration Project. The kits, which have increased the number of people being tested and treated and have been independently evaluated, have received positive feedback from users. In addition, NHS Quality Improvement Scotland is currently developing clinical standards for sexual health in Scotland which will include a standard on chlamydia testing for 15-24 year olds, expected to be published in spring 2008.

### **C. Statistics and resources**

450. In England the Healthcare Commission is responsible for carrying out independent, patient led inspection of the performance of each NHS organisation and independent health organisation in England, with a focus on inspecting, informing and improving. Through the annual health check, the Healthcare Commission assesses performance against core standards, including those relating to the safeguarding of children. The developmental standards (of which the National Service Frameworks forms a part) also inform their assessment. For instance, in 2007, the Healthcare Commission published *Improving services for children in hospital*, which found that some parts of the NHS need to do more to improve services for children, the overall assessment

was 4% rated as excellent, 21% good, 70% fair and 5% were rated as weak. The Healthcare Commission is working with hospital trusts rated as weak in the assessment to raise their standards.

### **Children's views**

451. The 2006/07 online survey, commissioned by DCSF, found that nearly 90% of children and young people reported being either very healthy or quite healthy. Only one per cent felt that they were "very unhealthy". Boys (33%) were more likely than girls (24%) to describe themselves as being very healthy. Whilst this may indicate that the UK's programmes and measures for improving the basic health and welfare of children are having an impact, there is still much to be done to widen and further deepen their impact.

452. A study of 6,000 children revealed that 13.2% of children admitted to a lifetime of deliberate self-harm. More girls made this admission (11.2%) than boys (3.2%). On standard of living, although a large majority of children did not feel that they ever missed out on anything because their family could not afford it (71-90%), notable minorities felt that they had missed out on healthy food (8%), heat and warmth (8%), clothes or shoes for school (11%) and equipment for school (11%). Children with a disability or special need were around twice as likely to report having missed out on these fundamentals than their peers.

453. Further statistical information related to this chapter is available in Annex 1.

### **D Factors and difficulties**

454. Improving the physical, emotional and psychological health of children and young people is crucial in ensuring they can thrive, learn and enjoy life. It is also vital in helping them avoid acute and chronic health problems and fulfil their potential in adulthood. A priority for the Government will be to focus on prevention and early intervention including reducing child poverty and health inequalities, teenage pregnancies rates and better support for children's and young people's mental health. Promoting good health depends on joint action locally across health, education and other services to analyse local needs, to agree priorities and to commission services for those needs.

455. The Government has set out a clear vision to develop a patient-led NHS that uses available resources as effectively and fairly as possible to promote health, reduce health inequalities and deliver the best and safest possible healthcare system for all.

456. However, there are two additional challenges that are need of further attention:

- Tackling child obesity, which is one of the major public health issues in the developed world. The proportion of overweight and obese children in the population is rising sharply. At present, obesity is responsible for 9,000 premature deaths in England each year;
- Educating and encouraging young people to make informed healthy choices about issues such as self-harm, drug and alcohol use, smoking and sexual behaviour.

457. The scale of the challenge is made clear by findings from a study of young people carried out in 2004. Participants were given a list of risky activities, and asked to identify those that carried the most and least risk. They judged taking heroin to carry the highest risk and having sex using condoms as the least risky. Three in 10 young people did not perceive having sex without a condom as at all risky; four in 10 said binge drinking is not at all risky; and one in 10 regarded riding a motorcycle or skateboarding as risk-free.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES** (arts. 28, 29 and 31)

458. Education continues to be a high priority across the UK. The Government and Devolved Administrations are committed to ensuring that all children and young people have the opportunity to achieve their full potential. Since 1999, investment in education has been significantly increased and a raft of programmes has been introduced, strengthening children's access, across the UK, to excellent education, leisure and cultural activities and enhancing their experience of them.

### **A. Concluding observations - follow-up**

#### **Education**

**CRC/C/15/Add: Para. 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 privatisation of schools on the right of children to education.**

*(a) Ensure that legislation respects children's rights to express their views*

459. In England, the Department for Children, Schools and Families published, in July 2004, a five year strategy for supporting children and learners, in which the wishes of children, parents and learners are central. That strategy is strengthened by the *Every Child Matters: change for children* agenda, described in more detail earlier in this report. As part of its implementation, and following on from the Children Act 2004, from April 2006 all local authorities were required to produce a new Children and Young People's Plan, in consultation with children and young people, bringing together all of their planning for children and young people.

460. In October 2005, the Government in England published *Higher Standards, Better Schools for All*. This White Paper set out and implemented plans to put parents and the needs of their children at the heart of schools. The White Paper reinforced the importance of pupils' voices, in that children, through school councils, should have a greater say in how schools are run and in the decision making process. The DCSF has commissioned Professor Geoff Whitty from the Institute of Education to conduct a review of school councils, including gathering data about current take up by schools. Professor Whitty's final report will be published in summer 2007.

461. The Education Act 2002 and the subsequent guidance to local authorities and schools: *Working together: giving children and young people a say*, emphasises the benefits to schools of listening to children, and recommended a broader dialogue between staff and pupils. The accompanying booklet: *Promoting children and young people's participation through the National Healthy School Standard*, includes a range of practical advice for schools wanting to develop their provision for involving pupils and giving them a voice.

462. The Education and Inspections Act 2006 places a duty on school governing bodies in England to consult pupils when drawing up or revising a school's behaviour policy. The Education Act 2005 places a duty on Ofsted (the school inspectorate in England) to have regard to the views of pupils when conducting a school inspection. In September 2005, Ofsted introduced a new framework for inspection which contains the expectation that schools will systematically seek the views of pupils, including in relation to matters to do with the quality of teaching and learning.

463. Personalised learning is an important driving theme for English education policy. Through the Primary and Secondary National Strategies the Government continues to support work on developing and using “Pupil Voice”. This is a key feature of the guidance and support schools are given on “Assessment for Learning”, where good practice involves talking with pupils and agreeing progress targets as part of the assessment process, in order that they, as well as their teachers and parents, understand how their learning is progressing.

464. The Standards in Scotland’s Schools Act 2000 provides that school education should develop the personality, talents and mental and physical abilities of children to their fullest potential, to look beyond general provision to the development of the individual child. Local authorities are also required, in carrying out this duty, to take account of the child’s views when making decisions that would significantly affect them. For example the Act provides that a local authority must take account of the views of a child with special educational needs and their parents when considering whether the child should be placed in a mainstream or special school.

465. In Northern Ireland, the Entitlement Framework will complement greater curricular flexibility. This will place a new requirement on schools to provide every pupil, regardless of their background, school or where they live, with access to a minimum of 24 courses at Key Stage 4 and 27 courses at post-16. At least one third of courses will have to be vocational and at least one third academic, with the mix of the remainder and the exact courses left for schools to determine. It will then be up to pupils to decide which courses they will follow, as suits their interests, aptitudes and future career plans. This greater choice, and the greater provision of vocational courses, should help to increase motivation and participation and provide young people with the skills they need for future employment.

(b) *Measures to reduce temporary or permanent exclusion, ensuring children have the right to be heard and have access to full-time education*

466. In the school year 2004-05, there were 9,440 permanent exclusions and 389,560 fixed period exclusions from schools in England. Compared to the previous year the number of permanent exclusions decreased by just over 4% and was more than 20% lower than the figure for 1996-97. In Wales, there were 465 permanent exclusions, an exclusion rate of 1 per 1,000 pupils in Wales. In Northern Ireland, the Education (Northern Ireland) Order (2006) took effect on 1 August 2006: it includes the introduction of a scheme for suspensions and expulsions, a regional independent expulsion appeals tribunal, and clarification on the education of suspended pupils. It also includes an enabling power for the Department of Education to introduce a system of appeals against suspension.

467. Statistics show that the vast majority of pupils (97%) were not excluded from Scotland’s schools in 2005/06. However, there were 42,990 exclusions from school of which over 99% were temporary. 2005/06 figures show that 90% of all temporary exclusions are for less than one week and that only 2% of those temporarily excluded are out of school for more than two weeks. Removals from the school register are rare in Scotland, with a total of 264 in 2005/06 a decrease of 3% from 2004/05. The Executive is concerned that rates of exclusion for pupils from poorer families, children looked after by local authorities and those with additional support needs are higher, and has committed to reviewing exclusion guidance with a view to improving this.

468. A number of policies reflect the Executive's focus on improving educational outcomes for children with these circumstances and experiences, for example policies on looked after children, closing the opportunity gap and young people not in education, employment or training.

469. Exclusion rates of minority ethnic pupils are generally lower than for the population as a whole. However, there are wide variations across different groups. *Better Behaviour - Better Learning* (2001) sets out a package of recommendations to enhance whole school ethos and relationships, and these have been widely welcomed by the Scottish education community.

*Children's involvement in exclusion appeals process*

470. In Wales, from January 2004, children of secondary school age were given the right to appeal against their own exclusion. The Assembly Government is working with the Advisory Centre for Education (ACE) and Save the Children to develop a booklet (*Having your Say*) on exclusion and appeals. Funding is also provided to ACE to support parents affected by exclusion by means of a helpline, booklets and the internet. The Assembly Government has brought together practitioners and academics to undertake a National Behaviour and Attendance Review. Key issues will include lack of consistency in schools' approaches to exclusion and the shortage of education provision for excluded pupils. Of particular concern is the practice of "informal exclusion", when a school asks parents to keep children at home if they have behaviour problems, rather than assessing their needs and ensuring that proper support is available. Guidance on Inclusion and Pupil Support issued in the autumn 2006 makes it clear that this practice is not acceptable.

471. In Scotland, on the day that a decision is taken to exclude a pupil the local authority must inform the parent and offer a date and time for a meeting to discuss the issue. This should also be communicated to the pupil, where he or she is of legal capacity, generally assumed to be at the age of 12. However, this judgement is based on the child's maturity and understanding. The meeting to discuss the decision to exclude must involve the pupil, where the pupil has capacity or is over 16. The authority must write to the pupil or parent to explain the reasons behind the exclusion and their right of appeal.

472. In England, although the pupil's participation in decisions related to his or her exclusion is not set out in legislation, guidance to schools and local authorities is being strengthened from September 2007 so that pupils should be encouraged and allowed to state their case at all stages of the exclusion process.

473. The Education (Northern Ireland) Order (2006) took effect on 1 August 2006. It includes new arrangements in relation to the suspension and expulsion of pupils from grant-aided schools. These arrangements include the introduction of a scheme for suspensions and expulsions, a regional independent expulsion appeals tribunal, and clarification on the education of suspended pupils. It also includes an enabling power for the Department of Education to introduce a system of appeals against suspension. These arrangements will ensure consistent practice across all schools and equity of treatment for all pupils irrespective of the school they attend.

*Access to alternative education provision*

474. Local authorities in England have a duty, under the Education Act 1996, to provide a suitable education at school or otherwise for children of compulsory school age who cannot attend school for reasons of illness, exclusion or otherwise. All local authorities are currently committed to providing suitable full-time education for all permanently excluded pupils from the 16th school day of their exclusion. From September 2007 provisions in the Education and Inspections Act 2006 will require local authorities to arrange suitable, full-time education from and including the sixth day of a permanent exclusion. Likewise, schools are required to arrange full-time education from and including the sixth day of any period of fixed period exclusion of six days or longer.

475. Local authorities in Scotland are required to put in place alternative education provision for excluded pupils as soon as possible, but within 10 days of an exclusion. Alternative provision for excluded pupils should be of an appropriate quality, quantity and range. The Executive emphasises quality of learning experience wherever learning takes place and has convened an expert working group to consider what type of provision is required to meet the needs of the most challenging children in schools, and to gather evidence of existing good practice. The group will produce a resource to encourage authorities to consider the range and quality of their provision, and to apply creativity towards meeting the needs of this group of children. Figures from 2005-06 show increased activity by education authorities in making alternative provision for excluded pupils in the categories of college placement, home tuition, support bases and 'other' approaches (such as work sent home).

*(c) Inequalities in educational achievement and in exclusion rates*

*Inequalities in educational achievement*

476. The significant improvements in achievement at GCSE level made by all pupils in England (except Gypsy, Roma and Traveller pupils) highlights the success of the Aiming High projects which are specifically designed to narrow attainment gaps. The attainment gap between the average for all pupils in maintained schools and previously underachieving Black and Minority Ethnic groups has been closing steadily since 2003 (comparative data is not available from 1999-2002). Latest (2006) figures show that for some of these groups, the trend is steadily positive.

477. In Northern Ireland, the Department of Education aims to eliminate inequalities by providing special programmes, support services and resources to groups of young people at risk of being excluded from or unable to avail themselves of the standard education provided for all children. This ranges from programmes for school age mothers and children from the Traveller community, to support measures such as counselling and behavioural teams.

478. Across primary and secondary sectors, most pupils are performing well in Scottish schools. The Executive collects information on educational attainment and a range of information about pupils, for example gender, ethnicity, free school meal registration and attendance records from a variety of sources. Attainment levels of different groups of pupils are closely monitored to ensure that any emerging trend or pattern is identified - the Executive also has a Closing the

Opportunity Gap target of improving the performance of the lowest attaining 20% of S4 pupils by 2008. Within Curriculum for Excellence developments, work is also being undertaken on how the wider achievements of all learners can be recognised more effectively”.

*Inequalities in exclusion rates*

479. Schools can only exclude pupils on disciplinary grounds and should not exclude pupils for pregnancy, disability, illness or other reasons that do not involve a disciplinary offence or the maintenance of good order within the school.

480. In England, some groups are over represented in the exclusions figures, particularly black boys. To tackle this the Government has an action plan comprising three elements: ensuring that equality considerations are embedded in key Department for Children, Schools and Families policy areas; disseminating clear messages to all local authorities recommending specific actions and sharing good practice; and specific support from specialist Advisers for Behaviour and Attendance for local authorities where disproportionate exclusion of Black children is a major concern. The Government is also planning focused work with school leadership and teacher training providers.

481. In 2006, the Department for Children, Schools and Families in England undertook a Priority Review to examine the exclusion of black pupils, which remains disproportionate when compared with children from other ethnic groups. An Implementation Group has been set up to manage and evaluate the delivery of an action plan devised significantly to reduce the exclusions gap between black pupils and the average.

482. In England, the Government is taking further measures to improve pupils' behaviour, thus reducing the need to exclude. It is doing this by:

- Encouraging all secondary schools to be working, by September 2007, in partnerships to improve behaviour and attendance, with funding devolved from the local authority to enable the partnerships to commission a range of support and provision for pupils with challenging behaviour or attendance difficulties - evidence from partnerships already working in this way, for example in Coventry and North Lincolnshire, shows significant reductions in exclusions;
- Specialised training for lead behaviour professionals and other staff with leadership roles in managing behaviour;
- Supporting those schools where Ofsted report that behaviour is unsatisfactory and;
- Extending use of parenting contracts and orders for parents/carers of pupils who persistently misbehave, before behaviour deteriorates to the point where exclusion is the only appropriate response.

483. In Scotland, exclusion rates of minority ethnic pupils are generally lower than for the population as a whole though there are wide variations across different groups. The Scottish



Executive has promoted the use of home-school link workers to reach out to children with poor attendance and their families. £29 million funding per year has been provided to local authorities, which may be used for additional support staff, including home-school link workers.

*(d) Education for children in detention & improving education for children in care*

484. Following a consultation in 2005, new regulations have been implemented in England and Wales which mean that young offenders serving a sentence in custody that is of less than four months' duration cannot be deleted from the school roll for the reason of their detention alone. If a child of statutory school age is removed from the school roll then the Local Authority has a duty to ensure they have a place in education on their return into the community.

485. Young people aged 10-17 can be detained through the youth justice system in three different types of institution. The law relating to education requirements is set out in secondary legislation (Young Offender Institution Rules 2000, Secure Training Centre Rules 1998, and The Children's Homes Regulations 2001). Custodial institutions for young offenders are required by the Youth Justice Board to provide young people of compulsory school age detained in custody with full-time education and training programmes (detailed expectations are set out in 'The Offender Learning Journey'). Spend on education by the Youth Justice Board has quadrupled since 2000. Education provision in custody is inspected by Ofsted. The Government has launched a review of education for young people supervised by the youth justice system and is committed to publishing, by the end of 2007, forward plans to improve education.

486. In Northern Ireland, children in the Juvenile Justice Centre are provided with a full range of education, training and development opportunities appropriate to their age and ability. Class groups primarily consist of three children and each child is allocated a personal tutor to support their education. The Youth Justice Agency also provides community based education provision for children who for a variety of reasons are not receiving an adequate education at school and who are risk of involvement in crime.

487. In Scotland, children held in secure units have an equal statutory right to education, as set out in the Children (Scotland) Act 1995. The educational needs of these children should be addressed in care plans and individual curriculum packages should be planned, including additional help, encouragement and support as required. Planning should have regard to continuity of education and the disruption that many children may have experienced in their schooling prior to being admitted to secure care and the resistance to education that this may foster. Effective co-operation between education and care staff is necessary if positive educational attainment is to be achieved. All under 18s in young offender institutions are provided with education by qualified staff. Those under 16 have a statutory entitlement to education, mirroring arrangements in the community. There are approximately 145 full-time equivalent teachers working in Scottish prisons.

488. In Wales, the Welsh Assembly Government's second Young Offenders Learning project, which began in June 2005, seeks to improve the education and training provision available for all children aged 11- 17 in and from Wales. Whilst education is a devolved matter, responsibility for detention rests with the UK Government, and is overseen by the Youth Justice Board.

*Improving education for children in care*

489. The educational outcomes of the approximately 60,000 (at any one time) looked after children in England have improved in recent years. The proportion gaining 5 A\*-C GCSEs has risen from 7% in 2000 to 12% in 2006 and the proportion participating in education, employment or training at age 19 has increased from 46% in 2002 to 63% in 2006, reflecting the beneficial impact of the Children (Leaving Care) Act 2000.

490. In May 2000 the Government issued comprehensive guidance (parts of which had statutory force) on the education of children and young people in public care and has provided ongoing funding since then towards ten regional networks across England, that work with local authorities on implementation of the guidance. As part of the Children Act 2004 a specific duty was placed on local authorities to promote the educational achievement of the children they look after. Through the Education and Inspections Act 2006, school admission authorities can now be directed to admit a looked after child where the school best meets his/her needs, even if it is already full.

491. Although the educational attainment of Scotland's looked after children has improved slightly over recent years, it remains very poor when compared to their peers and improvements are needed. In January 2007, the Scottish Executive launched *Looked After Children and Young People: We Can and Must Do Better*. It highlights the need to improve the educational attainment of these children, builds on the existing framework of educational targets and monitoring and sets out a number of key messages. For example, the importance of the corporate parent role and the importance of providing flexible and appropriate support before, during and post transitions.

492. In Northern Ireland, the Looked After Children in Education project was established in 2001 and has been developed by the NGOs Include Youth, Voice of Young People in Care, and Save the Children. The project aims to improve educational outcomes for looked after children in by informing practice and policy development through Children's Services Planning groups, which work on areas of development such as inter agency protocols and the use of Personal Education Plans. There are two initiatives within the Children and Young People's Funding package aimed at improving education provision of looked after children.

493. In Wales a grant of £1 million a year in 2006-07 and 2007-08 was distributed across local authorities to enable them to support the education of looked after children. The grant, which was part of the wider Raising Attainment and Individual Standards in Education (RAISE) initiative was aimed particularly at those pupils approaching external examinations at age 16 to help them to move on to further and higher education. The Welsh Assembly Government's strategy for children in need, including looked after children and care leavers, will build on education measures introduced in July 2007 as part of the *Towards A Stable Life* policy which set out new duties on local authorities to improve the health and well-being of looked after children.

(e) *Measures to prevent bullying and violence in schools*

494. In England, the Education and Inspections Act 2006 duty on school governing bodies, to consult all pupils when drawing up School Behaviour Policies, means that the entire school community should be engaged in agreeing standards of behaviour in school.

495. Since October 2005, schools in England have been required to assess their effectiveness in dealing with bullying through the school self-evaluation form, their responses to which are then considered during Ofsted inspections. In addition, the Education Act 2005 requires schools to publish an annual profile which addresses the question *How do we make sure our pupils are healthy, safe and well-supported?* The Education and Inspections Act 2006 provides teachers and other school staff with a clear and unambiguous power to discipline pupils, assisting them in responding appropriately to bullying. In line with the recommendations of the UN Committee, the Government has engaged children in this work, for instance through consultation exercises on how to tackle bullying and through awareness raising campaigns such as Anti Bullying Week. The Anti Bullying Alliance was established by the National Children's Bureau (NCB) and NSPCC in 2002. It comprises 65 organisations including voluntary and private sector bodies, local authorities, professional associations and researchers, and works closely with the Department for Children, Schools and Families to prevent and tackle bullying and create a safer environment for children.

496. The Government has also produced specialist guidance on prejudice-driven bullying: *Bullying around Race, Religion and Culture* in 2006. This will be followed up with additional advice on countering homophobic bullying in schools.

497. The Government is also implementing a wide-ranging national programme to strengthen schools' capacity to manage behaviour and minimise violence, including:

- Providing a range of materials to encourage social and emotional learning;
- Providing advice for schools from behaviour management consultants;
- Helping schools to improve the behaviour of pupils through the National Healthy Schools Programme;
- Encouraging schools to form partnerships with other schools to strengthen behaviour management;
- Encouraging schools to become involved in Safer School Partnerships (local partnerships between schools, the police and other agencies), which effectively support schools to tackle bad behaviour, prevent crime and provide a safe and secure environment; and
- Providing extra funding for schools facing the greatest behavioural challenges.

498. In Northern Ireland, all schools are required by law to have a policy on bullying behaviour and to consult with pupils and parents on these policies. The Northern Ireland Anti Bullying Forum has been established by Save the Children to focus attention on the effects of bullying and develop strategies that will allow schools to apply the best approaches to tackling bullying.

499. In Scotland, education authorities have a duty to take reasonable care for the safety of pupils and there has been an anti-bullying service in place for over 10 years. Building on this, the Scottish Executive has provided funding to support implementation of the recommendations in a wide-ranging report on promoting positive behaviour in schools, such as implementing restorative practices in school, and strengthening the social, emotional and behaviour skills curriculum for children.

500. Anti-bullying guidance for schools in Wales (*Respecting Others*) was issued in September 2003. This required all schools to have bullying policies, drawn up in consultation with staff, pupils, parents and governors. A Welsh Anti-Bullying Network was set up in November 2004 to bring together experts in the field to share good practice and advise the Welsh Assembly Government on future approaches and strategy. An assessment of school anti-bullying policies was undertaken by Cardiff University, on behalf of the Welsh Assembly Government, on the basis of which a self-evaluation tool for schools has been developed and is currently being piloted.

(f) *Inclusion of the Convention and human rights education in the curricula*

501. Specific reference is made in the English citizenship curriculum to pupils' understanding of legal and human rights and the role of international organisations, including the UN. With support from organisations such as Unicef, many schools, in particular primary schools, use the UN Convention itself as framework for teaching citizenship. Citizenship education in maintained secondary schools in England has been compulsory since 2002. Over 1,000 specialist citizenship teachers have been trained and a further 240 will complete their training at the end of the academic year 2006-07.

502. The Government in England is providing funding to UNICEF for their Rights Respecting Schools initiative. This programme aims to help provide children with a practical understanding of the personal meaning of their rights, and those of others, by relating the principles of the UNCRC closely to everyday behaviour in the classroom and school. The pilot of the initiative found that when children and young people are taught to use the values of the Convention of the Rights of the Child as a guide to living, it has a positive impact on their sense of belonging, increasing children's affiliation to each other and to their teachers, improving behaviour and attendance improving resilience and, as a result, increasing the capacity to raise standards.

503. The Education (Northern Ireland) Order 2006 took effect on 1 August 2006 and includes provision for a revised Northern Ireland curriculum. The revised curriculum includes citizenship education, providing opportunities to use local and global examples to investigate topics such as diversity, inclusion, cultural heritage, equality, democracy, participation and human rights, for example the key principles outlined in instruments such as the UNCRC and the European Convention on Human Rights (ECHR). The revised curriculum is being introduced into schools on a phased basis from September 2007 to 2010.

504. In Wales, the Framework for Personal and Social Education for Key Stages 1 to 4 was updated and revised in April 2005, to strengthen references to the UNCRC and human rights.

505. While Scotland does not have a national curriculum, Learning and Teaching Scotland, which is funded by the Scottish Executive to develop curriculum resources, published in 2002 a framework document on education for citizenship for children aged 3-18, *Education for Citizenship - A paper for discussion and development*. Schools can use this framework document, which makes clear reference to the UN Convention and broader rights and to the importance to children of understanding these rights, in planning a programme of citizenship education.

(g) *Increasing the budget for and facilitating the establishment of additional integrated schools in Northern Ireland*

506. There has been significant expansion of, and investment in, the integrated schools sector since 1999: total enrolments have increased from just over 11,000 to over 17,600 at October 2006. The number of integrated schools has increased from 41 to 56, the increase including the transformation of 5 existing schools to integrated status. Between 1999 and 2007 capital investment in integrated schools has totalled more than £90 million and approximately £26.4 million has been allocated for capital development costs in grant-maintained integrated schools in the 2007-08 financial year.

507. The final report of the 'Towards a Culture of Tolerance: Integrating Education' (TACOT:IE) Ministerial Working Group, which discussed strategic planning of the education sector, and development of a strategic approach to transformation has been superseded by the publication of Sir George Bain's Strategic Review of Education, which included consideration of the issues addressed in the Working Group's draft report. Government accepted all the recommendations in this report and the issues identified by the TACOT:IE Group will be taken forward as an integral part of the workings of the Bain report.

(h) *Develop educational programmes for teenage mothers*

508. In England, the UK Government's Teenage Pregnancy Strategy includes a target to increase the proportion of 16-19 year old mothers in education, employment or training to 60% by 2010. Measures to support this target are discussed earlier in this report. Between 1997-99 and 2004-06 there has been an overall increase in the proportion of teenage mothers in education, employment or training, from 23.1% in 1997-99 to 29.2% in 2004-06. In July 2007, the Government launches a refreshed strategy designed to improve outcomes for teenage mothers and their children, which retains a strong focus on helping young mothers to re-engage in education and training.

509. A specific programme of support measures, including child care if considered necessary, for school age mothers has operated in Northern Ireland since 1999. Young women can complete their compulsory education and remain in education beyond age 16. The allocation to the Education and Library Boards for School Age Mothers programmes for 2006-07 is £407,000.

510. In Wales, the Children's NSF recognises the significance, both emotionally and socially, that pregnancy and childbirth can have on individuals, particularly those experiencing it for the first time. It acknowledges that specialist services should be available for young, pregnant teenage girls, such as peer education and support groups.

511. In Scotland it is the responsibility of individual local authorities to decide what to include in the curriculum, and some have specific programmes to support teenage mothers. Under current guidelines, parenting skills can be taught in Personal and Social Development classes as well as education about health, sex and relationships. *Safe and Well*, the handbook on pupil wellbeing, sets out the expectation that the additional support needs of young women who become pregnant are met, to encourage them to sustain their learning and relationship with school.

(i) *Evaluate the impact of privatisation of schools on the right of children to education*

512. The UK Government and devolved administrations remain fully committed to free school level education for all children and young people. There is also an independent sector which is regulated in England by the Department for Children, Schools and Families. There is no programme of privatisation of schools. The situation in Scotland is broadly similar with Scottish Ministers regulating the independent sector, which accounts for around 4% of the total pupil population.

513. The voluntary sector has a long tradition of involvement in school education, with mass education having been pioneered in the UK by the churches. All maintained schools benefit from the leadership provided by their governing bodies whose members serve as volunteers. More recently, the Government has encouraged a wider range of partners - from the public, voluntary and private sector - to act as school providers and to shape the ethos and character of schools and the school system. In all cases, schools remain publicly funded on a fair and equitable basis and with strong requirements in the area of fair admissions, with schools also being bound by anti-discrimination laws. The schools remain open to all pupils, continuing to receive Government funding, and may not charge fees for the education they provide.

## **B: National programmes - update**

### **Education, including vocational training and guidance (art. 28)**

#### **Aims of education (art. 29) with reference to quality of education**

514. In England, The Education and Inspections Act 2006 sets the framework for delivering the vision set out in *Higher Standards, Better Schools for All*. Taken together with the fundamental duties of local authorities to secure sufficient provision and school places under section 14 of the Education Act 1996 and to promote high standards under section 13A of that Act, local authorities now have a duty to secure sufficient school places, and in so doing promote high standards; ensure fair access to educational opportunity; promote the fulfilment of every child's educational potential; secure diversity in the provision of schools; and increase opportunities for parental choice.

515. The 2006-07 survey found that, on the whole, children in England have a positive view of education. Respondents were most likely to strongly agree that their education has helped them acquire 'respect' for themselves, others as well as the environment. A review of Ofsted pupil surveys found that 90% of primary students and 80% of secondary students report being 'very satisfied' with their school.

516. The Education (Northern Ireland) Order 2006 took effect on 1 August 2006 and includes provision for a revised Northern Ireland curriculum, to be introduced into schools on a phased basis from September 2007 to 2010. The revised curriculum includes citizenship education, which will equip all pupils with the knowledge and skills they need fully to participate in society, and a new strand of Personal Development. There will be a new requirement on schools to provide every pupil, regardless of their background, school or where they live, with access to a minimum of 24 courses at Key Stage 4 and 27 courses at post-16. At least one third of courses will have to be vocational and at least one third academic.

517. The 2006 Education Order requires new admission arrangements to be put in place for pupils transferring to post-primary schools in September 2010. It also deferred the provisions abolishing selection and made them subject to a resolution of the Northern Ireland Assembly. The current method for transfer arrangements, the 11+ test, will operate for the last time in 2008.

518. The Standards in Scotland's Schools Act 2000 introduced the school improvement framework, an integral part of which are the 5 *National Priorities in Education*: Achievement and Attainment, Framework for Learning, Inclusion and Equality, Values and Citizenship and Learning for Life. The 2000 Act also places a duty on Ministers and authorities to endeavour to 'secure improvement in the quality of school education'. The Scottish Executive published *A Curriculum for Excellence* in 2004 which sets out the values and future work programme to provide more freedom for teachers, greater choice and opportunity for pupils and a single coherent curriculum for all children aged 3-18.

519. The curriculum in Wales consists of three main phases: an early years curriculum based on active learning and including elements of play and assessment for learning; a skills-based curriculum for 7-14 year olds that builds upon the philosophy of the Foundation Phase and prepares for their 14-19 year old education and training; and a Learning Pathways programme for 14-19 year olds, providing enhanced choice and flexibility, including attractive vocational offers for all abilities. Wales has introduced a legal requirement for all maintained primary (apart from nursery and infant schools), secondary and special schools to have a school council (by 1 November 2006). In secondary schools, these councils of pupils can nominate two members from years 11-13 inclusive to be associate pupil governors on the school's governing body.

### **Education and learning in the early years**

520. The Government has invested over £21 billion on expanding early years and childcare provision since 1997, including progressively increasing the proportion of the under five population in England and Wales that has access to integrated services and quality early learning. Detail of measures including the Ten Year Childcare Strategy and the Childcare Act 2006 are set out earlier in this report.

521. Since 2002, the Scottish Executive has funded local authorities to meet a statutory duty to provide 12½ hours a week of pre-school education to all 3 and 4 year olds whose parents wish to take it up. Between 2001 and 2006 the percentage of children attending pre-school education has risen from 81.3% of eligible 3-year olds and 96.5% of 4-year olds to, respectively, 96% of 3-year olds and 98.8% of 4-year olds. To help further with the development of services in disadvantaged areas, Sure Start Scotland provides programmes of activity to promote children's healthy development.

522. In Northern Ireland places were available for 95% of children in their pre-school year by 2003-04. Government in Northern Ireland is moving to implement key recommendations from the Report on the Review of Pre-School in Northern Ireland published on 25<sup>th</sup> April 2006. These include action to ensure that the learning and development settings available for children are those most suitable for their age and action to address key issues including facilities and resources, training and support and special educational needs.

523. The Welsh Assembly Government has, since 2002, funded local authorities to provide a minimum of 10 hours a week of free pre-school education to all 3 and 4 year olds whose parents wish it.

### **Primary and secondary education**

524. The Primary National Strategy (PNS) was introduced in England in 2003, subsuming the previous National Literacy and Numeracy Strategies (launched in 1998 and 1999 respectively). Its chief focus is on raising standards in Literacy and Mathematics while developing a broad and rich curriculum. The PNS does this by delivering support in the form of materials, training and advice to Local Authorities and schools to improve teaching, leadership and management in primary schools.

525. The success of the PNS is measured by the end of Key Stage 2 test results. Level 4+ denotes the average standard of achievement expected of 11 year olds. Results since 1997 show that the PNS and its predecessors have had a significant impact on raising standards in English and Mathematics. In 1997, 63% of 11 year olds reached level 4+ in English compared with 79 per cent in 2006. In Mathematics the figures were 62% in 1997 compared with 76% in 2006.

526. The Secondary Strategy for School Improvement in England delivers support to schools in the form of materials, training and advice to Local Authorities and schools to improve teaching, leadership and management. The strategy emerged from an extension of the former Key Stage 3 National Strategy which was introduced in 2001 to increase the progress that children made between the ages of 11 and 14.

527. Results since 2001 show that the Secondary National Strategy (SNS) (and its predecessor, the Key Stage 3 Strategy) has had a significant impact on raising standards. In English, 65% of 14 year olds achieved level 5 or above in 2001, and this figure increased to 73% in 2006. The respective figures for other core subjects were: Maths - 66% and 77%, Science - 66% and 72%, ICT - 65% and 69% (2005 data). Since 2005, the success of the SNS has also been measured by results at Key Stage 4. The percentage of pupils achieving 5A\*-C GCSE grades or equivalent has risen from 56.3% in 2005 to 58.5% in 2006.



528. Personalised learning remains a particular priority, and has already been supported by £990 million extra funding in English schools in 2007-08 for small group and one-to-one support for those falling behind, and the means to 'stretch' the most able pupils. Additional funding announced in the 2007 Budget will make it possible for every pupil to have access to a single member of staff who is able to co-ordinate a package of support that best helps that pupil, to provide an average of 10 hours of one to one teacher-led tuition for over 300,000 under-attaining pupils a year in English by 2010-11, and 300,000 under-attaining pupils a year in Maths and to develop more extended schools, offering many opportunities to learn and develop beyond the hours of the formal school day.

529. The Welsh Assembly Government intends that, from 2008, there will exist in Wales a school curriculum that is learner-centered and skills-focused. It will comprise: a set of revised subject Orders which are manageable and reflect whole curriculum characteristics and those of each key stage; a revised framework for personal and social education; a framework for careers and the world of work; a non-statutory skills framework; a national exemplar framework for religious education; and the Foundation Phase framework for children's learning (3-7 year olds).

530. In Scotland, the aims of *A Curriculum for Excellence* (ACFE) are to provide the opportunities for children to become successful learners, confident individuals, responsible citizens and effective contributors. It identifies: the values upon which the curriculum should be based; its purpose; the outcomes which children are expected to achieve; and the design principles which schools, teachers and other educators will use to implement the curriculum. Specifically, *ACfE* is designed to:

- Remove over-crowding in the curriculum and make learning more enjoyable;
- Better connect the various stages of the curriculum from ages 3 through to 18;
- Achieve a better balance between 'academic' and 'vocational' subjects and include a wider range of experiences;
- Equip children with the skills they will need in tomorrow's workforce;
- Make sure that assessment and certification support learning; and allow more choice and personalisation to meet the needs of individual children.

#### **14-19 education and further education**

531. The UK Government's aim is to develop a system of 14-19 education which prepares all young people in England for success in life. Good progress has been made in improving levels of participation, with record numbers of 16 year olds now in full-time education.

532. We have introduced financial incentives to encourage disadvantaged young people to stay on in learning. Over half a million learners have benefited from Education Maintenance Allowance (EMA) payments of up to £30 per week (in 2006-07). Since the introduction of the EMA, participation has increased to its highest level ever among 16 year olds, with 89% in some form of learning in the last academic year, and an increase of 1.8 percentage points in participation of 16 year olds in full-time education between 2003/04 and 2004/05 alone.

533. In addition to these financial measures, we have published proposals to raise the statutory age for participation in education or training from 16 to 18, to help all young people gain a strong grounding in later life.

534. In June 2006, the Scottish Executive launched *More Choices, More Chances - a strategy to reduce the proportion of young people not in education, employment or training (NEET) in Scotland*. The strategy focuses on improving the range of options available to young people most likely to become NEET on leaving school and those already in the group; on improving the (often intensive) support available to young people to allow them to make the most of these increased opportunities; and on ensuring that the services for these young people are comprehensive and appropriately joined-up.

535. The messages of *More Choices, More Chances* are reflected in policy across a wide range of portfolios in order to deliver benefits for this particular group of young people. Locally, delivery is by NEET partnerships, usually lead by local authorities and involving all the key agencies, public, private and voluntary, involved in working with this group of young people. Whilst the strategy is being implemented across Scotland, it identifies 7 target areas where the numbers of young people who are NEET presents the biggest challenge. Some additional funding has been allocated for 2 years (each target area will receive £400,000 for two years; all other areas will receive £75,000 each) to support a renewed effort and re-focussing. But, the clear expectation is that sustainable change will be effected through existing policy and legislative frameworks (e.g. A Curriculum for Excellence, Additional Support for Learning Act, School/College partnership).

536. There are 43 Further Education colleges across Scotland offering a wide range of academic and vocational qualifications. There have been record numbers of enrolments in further education, with 25.4% of enrolments on vocational courses in 2004-05 being from the 20% most deprived areas.

537. In February 2006, the *Skills Strategy* was published for Northern Ireland, outlining a vision of vocational training being recognised as a valuable alternative to the traditional academic pathway. New Training for Success provision, which replaces Jobskills as from September 2007, will provide a training opportunity for those eligible young people who have barriers to learning and work; whether it is in terms of learning disability or emotional behaviour, or social difficulties such as drug or alcohol abuse. For these young people, a varied range of support mechanisms will be available to enable them to deal with the barriers and prepare them to enter the world of work.

538. In Wales, Learning Pathways 14-19 has been introduced to provide young people with enhanced choice and flexibility, including vocational offers for all abilities, participation in a wide variety of experiences, with accreditation of learning wherever possible. Following a successful pilot, the Welsh Baccalaureate Qualification post 16 at Advanced and Intermediate levels are being rolled out from September 2007. The Welsh Baccalaureate Qualification is designed to accredit learning from the full range of leaning pathways and from September 2009 will encompass the new vocational learning from the Diplomas being developed in England.

### **Choice and diversity in education**

539. The UK Government has introduced measures to create much greater diversity in the learning opportunities offered by schools and colleges in England. The Education and Inspections Act 2006 places new duties on local authorities in England to support parents when choosing schools and the Government has provided funding for locally based Choice Advice services specifically to empower less advantaged parents to make informed decisions on which secondary schools they would like their children to attend. The Government has undertaken much work to involve a wider range of partners in the provision of publicly funded schools. Such partners are helping to create a more diverse system through involvement in the establishment and leadership of different types of school - all of which are publicly funded and free to pupils.

#### *Academies in England*

540. Academies are publicly funded independent schools. They are established, usually in disadvantaged areas (Academies' intakes have higher proportions of pupils eligible for free school meals than the proportion living in local postcode districts), either to replace poorly performing schools or as new schools and offer a broad and balanced curriculum with a specialist focus in one or more areas. Academies provide free education to pupils of all abilities, including provision for pupils with special educational needs, supported by admissions policy agreed by the Department for Children, Schools and Families that is consistent with the code of practice on admissions and admissions law. 47 Academies were operating in April 2007 and the Government is aiming for the establishment of 400 Academies, with at least 200 open or under development by 2010. The pace of improvement in Academies is good: the 2006 GCSE results confirm that the percentage of pupils getting five good GCSEs, including English and Maths, in Academies has improved by 6.2 percentage points - six times better than the national improvement rate of 1 percentage point. Furthermore, the comparison with the poor results of the schools that Academies replaced since 2001, is striking, with a 20.2 percentage point improvement in pupils getting five A\*-C grades, compared with their predecessor schools.

### **Inclusive education**

541. The UK Government and devolved administrations are committed to providing a high standard of education for all children and young people, whatever their needs or circumstances. New requirements on school admissions in England are now in place to ensure all children have fair access to educational opportunities, regardless of their background. The new School Admissions Code simplifies the admissions system, making it easier for parents to understand and navigate; places requirements on admission authorities and governing bodies to ensure that their admission arrangements are fair and do not disadvantage a child from a particular social or racial group, or a child with a disability or special educational needs; and rules out any unfair selection on social or other grounds. The Code also provides guidelines on supporting children from particularly vulnerable groups.

542. In Scotland, all schools run by local authorities are required by law to be open to pupils of all faiths and beliefs. School places are usually allocated by authorities on the basis of geographical catchment areas, with parents able to submit a request to the Council for their child

to attend another school. An authority can only turn down such a request on one of a number of specified legal grounds, and an appeal system is in place. In 2005-06 84% of these requests (over 30,000) were granted, some following an appeal.

*Children with Special Educational Needs (SEN)*

543. In January 2006 some 236,700 (or 2.9%) of pupils in England had statements of SEN. There were 1,293,300 pupils with SEN without statements, representing 15.7% of all pupils. Children with statements of SEN are supported in education by being admitted automatically to the school named on their statement, whether that school has places or not. 58.7% of children with statements are educated in mainstream schools and 34.9% in local authority special schools. Local authority expenditure on SEN has increased from £2.8 billion in 2001-02 to £4.5 billion in 2006-07 (an increase of 60% and representing some 13% of all education spending).

544. Since the Education Act 1981 the assumption in law has been that children with SEN will be educated in mainstream schools and only just over 1% of all pupils attend special schools. However, the law also makes clear that provision must be made for children with SEN in appropriate settings.

545. In Northern Ireland, there are now almost 12,000 children with Statements of SEN, (36% more than in 2000), and approximately 42,000 children, (13% of the total school population), at Stages 1-4 of the Code of Practice. The principle is enshrined in legislation that, subject to certain provisos, children should be educated in a mainstream setting. The Special Educational Needs and Disability (Northern Ireland) Order 2005, (SENDO), has strengthened the right of children with SEN to be educated in mainstream schools where parents want it and the interests of other children can be protected. A total of £57.8m over three years has been provided to implement SENDO. Plans are in hand to establish a Centre of Excellence in the education of children with Autism at Middletown in County Armagh to promote excellence in the education of children and young people with Autistic Spectrum Disorder (ASD) throughout Ireland.

546. The Education (Additional Support for Learning) (Scotland) Act 2004 introduces a new system for identifying and addressing the additional support needs of children who face a barrier to learning. The Act encompasses any need that requires additional support in order for the child to learn. It places duties on education authorities and requires other bodies and organisations to help. In providing school education, education authorities are required to identify and then make adequate and efficient provision for the additional support needs of children. Parents can request an education authority to establish whether their child has additional support needs and whether they require a co-ordinated support plan (CSP). A CSP must be prepared for those with enduring complex or multiple needs that require support from outwith education services. The plan will focus on supporting the child to achieve learning outcomes and assist the co-ordination of services from a range of providers.

547. The Act also introduces new rights for parents and provides for children to have their views taken into account in discussing, monitoring and evaluating their learning.

548. In September 2006 in Scotland there were 36,148 pupils with Additional Support Needs, 70% of whom were boys. This compares to 27,540 with special educational needs in 2005, a 6% per cent increase. There were 191 special schools an increase of one from 2005. There were 6,992 pupils in special schools, a 2% reduction from 2005.

549. In Wales, the number of pupils with a statement of SEN decreased by 2.7% during 2005, bringing the total number with a statement to 16,076 at January 2006. At January 2006, 3.2% of pupils on roll had statements of SEN. The percentage of pupils with statements on school rolls over the last seven years has remained constant. The number of pupils newly assessed as requiring a statement decreased during 2005. 1,556 pupils were newly assessed as requiring a statement compared to 1,712 in the previous year. Nearly 92% (14,776 pupils) of the total with statements were educated within their 'home' authority rather than in other authorities. 33% of those pupils educated outside their 'home' authority attended maintained special schools (429 pupils).

#### *Education of sick children*

550. In any given year there are some 100,000 children in England who, for part or all of the year, require education outside school because of medical needs. Under section 19 of the Education Act 1996, local authorities have a legal obligation to see that suitable education is provided for children of compulsory school age who cannot attend school because of illness. In 2001 the Government issued statutory guidance on the education of children unable to attend school because of medical needs.

551. The Education (Additional Support for Learning) (Scotland) Act 2004 introduces a new system for identifying and addressing the additional support needs of children who face a barrier to learning. The Act encompasses any need that requires additional support in order for the child to learn. It places duties on education authorities and requires other bodies and organisations to help. In providing school education, education authorities are required to identify and then make adequate and efficient provision for the additional support needs of children.

#### *Asylum seeking children*

552. Local authorities in England, Wales and Scotland have a legal duty to ensure that education is available for all children of compulsory school age. This duty applies irrespective of a child's immigration status or rights of residence. In 2004, the Government published guidance to support teachers in their work with asylum seeking and refugee children. The most recent estimate, from the Refugee Council, is that there are 82,000 asylum seeking or refugee children attending schools in England.

#### *Minority ethnic children*

553. Head teachers and school governing bodies in the UK need to be satisfied that their policies comply with the Human Rights Act 1998 and the Race Relations Amendment Act 2000. The latter requires schools to draw up a race equality policy, ensure that policies do not discriminate against racial groups, and places a duty on schools to promote race equality.

554. Over one in eight pupils in maintained schools in England is now from a minority ethnic background. The Government is committed to closing the unacceptable achievement gap that exists between children from different ethnic minority groups. Our work through the “*Aiming High Raising the Achievement of Minority Ethnic Pupils*” projects has sent a consistent message that minority ethnic pupils’ attainment is a mainstream issue that needs to be addressed through whole school policies driven by: strong leadership; high quality teaching and learning; recognising and valuing linguistic and cultural diversity; and high expectations and involvement with parents and the community. The Government set out its *Aiming High* national strategy for raising the academic achievement of ethnic minority pupils in 2003.

555. Programmes within this strategy include:

- The *Black Pupils Achievement Programme* - working with secondary schools to develop best practice to support Black pupils. Launched in 2003 and expanded in 2006, there are now over 100 schools across 25 local authorities participating in the programme;
- The *Minority Ethnic Achievement Project* - piloting innovative ways to raise the achievement of Bangladeshi, Pakistani, Turkish and Somali pupils at Key Stage 3. Phase 2 of the project was launched in June 2006 almost doubling the project’s size, which now has 85 schools participating across 17 local authorities.

556. Other Government strategies in England include:

- The *Ethnic Minority Achievement Grant* (a ring-fenced grant worth £173.6 million in 2006-07) - available to schools to support underachieving black and minority ethnic pupils;
- Specialist qualifications for teachers of English as an additional language;
- The *New Arrivals Excellence Programme* announced in October 2006, providing schools and local authorities with advice, guidance and training to enable them to build capacity to provide good quality education provision for new arrivals for those with English as an Additional Language.

#### *Gypsy, Roma and Traveller children*

557. Particular priority has been given to improving the life chances of Gypsy, Roma and Traveller children, for whom outcomes remain behind those of other children. Many local authorities in England use part of the Children’s Services Grant to provide a Traveller Education Support Service (TESS). TESS offer advice to local authorities and schools, support attendance, integration or reintegration into school; and provide additional educational support to enable Gypsy, Roma and Traveller children to achieve their full potential.

558. As part of its *Aiming High* strategy, the Government is working closely with TESS, local authorities and schools through the following initiatives:

- A new programme within the Primary and Secondary National Strategies launched in September 2006 with 12 local authorities and 50 educational settings to support local authorities and schools to meet the aspirations of Gypsy, Roma and Traveller parents and pupils;
- Encouraging schools to provide a range of good quality distance learning opportunities for children who travel throughout the school year. Support is being provided to 26 local authorities and over 200 Gypsy, Roma and Traveller pupils on the e-learning and mobility project. Laptops and datacards are used together with learning materials. Children can keep in close contact with their teachers and peers;
- The good practice guide, *School Supported Distance Learning* was published in December 2006. This describes the use of ICT in providing distance learning for all children with interrupted schooling.

559. There are currently 3,911 children in Northern Ireland who do not have English as a first language and who have significant difficulty with English (October 2006 school census). The total allocation for the 2006-2007 financial year for EAL (English as an Additional Language) teaching in Northern Ireland is £4.4 million. Specific action is also being taken to support the 792 school age Traveller children in Northern Ireland, including offering greater flexibility in preschool; publishing post-primary research on Travellers; funding 3 publications for schools on Human Rights and the Bill of Rights, and collecting and making available statistical data on Travellers through the Department of Education's website. The Department of Education has allocated nearly £1.1 million for the 792 Traveller pupils.

560. In Scotland, a number of initiatives are underway to actively promote equality within education and help enable every pupil to achieve their full potential, regardless of their gender, ethnicity, religion or social background. These initiatives include the development of materials to help support schools in dealing with racist and homophobic incidents; developing training resources for school staff on equality issues; and producing materials to support schools in mainstreaming anti-discrimination into the curriculum. In addition, the Scottish Traveller Education Programme (STEP) published a set of leaflets and accompanying DVD in March 2006 for Gypsy/Traveller parents and families providing targeted information on the Scottish education system. The Executive has funded STEP to assess the effectiveness of guidance for local authorities and schools on inclusive approaches for Gypsies/Travellers.

561. The Welsh Assembly Government issued new guidance in October 2006 on Inclusion and Pupil support which encourages a whole school approach to managing and celebrating diversity. Linked to this, separate guidance on how to raise minority ethnic achievement is being prepared along with practical guidance for teachers. The Assembly Government makes significant funding available to promote minority ethnic achievement and in 2007-08 its Minority Ethnic Achievement Grant will amount to £8.1million. Refugees are also covered by the grant

along with the children of migrant workers, whose numbers are increasing steadily. Over 20,000 minority ethnic children, most of whom have English as an additional language, are supported by the grant. In addition, the Assembly Government provides a specific grant of almost £1million annually for the education of Gypsy Traveller children, of whom there are approximately 1,200 in Wales at any one time.

### **Rest, leisure, recreation, cultural and artistic activities (art. 31)**

562. The 2006-07 survey, carried out as part of the research with children and young people for this report, found that three quarters of all respondents reported that they had sufficient opportunities to do what they wanted to do in terms of relaxation, play and generally having fun - either every day or most days. Only 1% felt that they never had such opportunities. Opportunities for leisure and recreation appear to decline with age. There were no differences in satisfaction rates by age or gender. There were limited opportunities for outside play or leisure for young people not interested in sport. Children and young people in rural areas and disabled children appeared to be most likely to miss out on opportunities for leisure - with transport to activities representing a major barrier.

### **Participation in play**

563. In August 2006, the Department for Culture, Media and Sport (DCMS), in England, published "*Time for Play, encouraging greater play opportunities for children and young people*". It signals the government's commitment to play, sets out the extent of current activity in other government departments, and discusses the implications of recent changes in the delivery of children's services for the play sector. DCMS continues to support the national infrastructure for play in England through contracts with the Children's Play Council, the Children's Play Information Service and Skillsactive.

564. In October 2006, a consultation was launched on a draft Play Policy for Northern Ireland. The aim of the policy is to establish play within a policy framework that will place high value on play as an essential element in the development of children's lives, families, communities and society. The play policy is set within the context of the 10-year strategy for children and young people and will contribute to the delivery of many of our strategic aims, particularly those which relate to improved health and achievement outcomes. The Commissioner for Children and Young People for Northern Ireland played an oversight role in developing the policy. The play policy, which is aimed at children aged 11 years and under, will be followed by a recreation/leisure policy aimed at the older age group.

565. In Scotland, the importance of play is recognised as being vital to children's emotional and physical development. A wide range of play opportunities are available, along with a number of Scottish Executive funding streams that can be used for play. The Scottish Executive also provides funding to voluntary organisations to help promote and support play.

566. Wales introduced a play policy in October 2002. The policy was based upon Article 31 of the Convention, recognising the vital importance of play and aiming to create an environment that fostered it. A detailed Play Policy Implementation Plan was published in February 2006. Children and Young People's Plans include requirements for reporting on local Play Strategies.



## Sports and cultural activities

567. Between 2002 and 2006, £134 million of Government and Lottery funding has been invested in the Space for Sport and the Arts programme. The programme has provided 269 new and modernised facilities for sport and the arts in primary schools in deprived areas across England, giving pupils and local communities more opportunities to get involved in arts and sporting activities.

568. From 2003-6 Positive Futures - a national sports based programme aiming to involve marginalised young people in sport and other activities - has received approximately £18.5 million from Government, the Football Foundation, Sport England and local supporters. The lives of more than 100,000 young people have now been enhanced by the continuing success of the Positive Futures programme.

569. In England, the national (England) PE, School Sport and Club Links (PESSCL) strategy is investing £978m between 2003-04 and 2007-08 to increase the opportunities for children to take part in sports in and out of school. In addition, £686m lottery funding is enhancing school sport facilities. Overall, 80% of pupils in partnership schools now take part in two or more hours of high quality PE and school sport each week - exceeding our target by five percentage points.

570. In Scotland, the Executive published its national sport strategy - Reaching Higher - in March 2007. One of its two desired outcomes is to increase participation, particularly among young people who have many competing distractions. The key initiative to increase participation is *Active Schools* which is designed to increase the range and number of opportunities for children people to be more active in and around the school day. It is supported by all 32 local authorities in Scotland, in tackling the low levels of activity highlighted in the report of the National Physical Activity Task Force. A key element of the initiative is that the children should be consulted over the range of activities to be offered through Active Schools.

571. In Wales, with funding provided by Welsh Assembly Government, the Sports Council for Wales is leading on implementation of the PE and School Sport Action Plan for Wales (PESS). Working with local authorities, the central element of this work lies in the establishment of PESS Partnerships (PPs), bringing together clusters of schools working with local consortia to make best use of facilities and expertise - with a target of 2 hours curriculum time PE each week. The aim is for all schools to be involved in PESS Partnerships by 2010. Each LEA has appointed a PESS co-ordinator to support the PPs and disseminate good practice. Specialist projects are providing improved training and development opportunities for practitioners.

572. In November 2004, the Department of Health, Social Services and Public Safety (DHSSPS) launched a taskforce to consider issues around childhood obesity in Northern Ireland. As part of the Fit Futures initiative, an engagement process was established that involved a range of stakeholders with an interest in preventing obesity in children. On the basis of these consultations, the Fit Futures steering group made over 70 recommendations on priorities for action to the Ministerial Group on Public Health in March 2006. At this time, a commitment was given to producing a Government response to the report, including a cross-departmental implementation plan. Consultations on the implementation plan have finished all responses are currently being analysed with a view to publishing the final implementation plan as soon as possible. In May 2007, the Minister for Education announced that she is working with the Gaelic

Athletic Association (GAA) and Irish Football Association (IFA) to introduce a sports programme in primary schools from September 2007, focusing initially on Gaelic games and soccer. The emphasis will be on encouraging participation and an enjoyment of 'getting out there' and developing physical literacy skills.

573. In April 1999 the UK Government introduced free entry for children visiting (previously charging) National Museums in England and a small group of non-national museums which receive core grant in aid funding from the Department for Culture, Media and Sport. The Department introduced free admission for all visitors in December 2001 at a cost of around £40m per year. Visits by children and their families to the museums involved have in some cases more than doubled as a result.

574. 112. The Heritage Lottery Fund (HLF) supports access for children and young people to the historic environment. The "Young Roots" grant programme aims to engage young people in their local heritage and funds projects which: actively involve young people aged between 13 and 20 (up to 25 for young people with special needs) in leading and directing projects; focus on the varied heritage of the UK; are delivered through partnerships involving at least one youth organisation and one heritage organisation; and promote involvement for a wide range of young people. Over 510 projects have received a total of £11m of funding since the programme's launch in 2003.

575. In September 2005, Arts Council England published a national strategy *Children, young people and the arts*. The strategy asserts the belief that everyone from early childhood through to young adulthood and beyond should have the opportunity to engage with the highest quality of arts and creative experiences. Arts Council England gives regular funding to 1,100 arts organizations in England, encompassing a huge and diverse range of artistic, creative and cultural activities in all parts of the country. In 2004-05, regularly funded organizations received £280 million from Arts Council England. Ninety per cent of these regularly funded organizations have education or training programmes, and 60% of them work with 4-19 year-olds in schools. In 2003-04, they ran 180,000 education sessions, which were attended by 2 million children and young people aged 19 or under.

576. Children and young people have also benefited from significant investment in the arts by the National Lottery since 1999. Over the last ten years, £2 billion of Lottery funds have been invested into the arts, providing a wealth of opportunities for children and young people including:

- The provision of £139,000 of funding for the Afterhours Arts Academy at the Slough Young People's Centre has enabled it to run a regular programme of arts and creative workshops and courses for young people;
- The Unicorn Children's Centre received £5.86 million to create a theatre for children in Southwark, forming an administrative base for the Unicorn. The building will also take touring production;
- Pegasus Oxford received £2.86 million to develop a building to provide a flexible performance space, a dance/rehearsal studio, residency spaces, a dedicated Oxford Youth Theatre space and technical/ production facilities;

- £10 million a year of Lottery funding to Youth Music, a UK-wide charity set up in 1999 to provide high quality and diverse music-making opportunities for children up to the age of 18.

577. Since 2002, the Government and Arts Council England have invested over £130 million in Creative Partnerships, the Government's flagship creativity programme for schools and young people, and over 10,000 schools and more than 500,000 children have taken part in over 5,000 projects.

578. Building on this work, Arts Council England, in partnership with the Museums Libraries and Archives Council, is delivering cultural hubs, which model ways of delivering a varied and rich cultural offer for children. This strategic initiative aims to give every child in participating schools the opportunity to engage with local cultural organisations and practitioners over a three-year period. During the period 2005-08, Arts Council England is investing £4.5 million in cultural hubs. An evaluation report on the programme's effectiveness in its first year shows that more than 3,800 pupils who participated in Hub activities had for the first time accessed this type of arts and cultural activity.

579. All UK public libraries have dedicated children's sections which, between them, hold over 25 million books. In 2005-06, nearly 90 million loans were made by children's sections. Many libraries run programmes to develop children's love of reading and to boost their literacy skills. The Government funds the Bookstart programme in England, providing £9 million each year to enable each young child to receive three free packs of books. This initiative is supported by libraries' popular 'Rhymetime' and 'Storytime' events. Young participants in these schemes have been found to have performed well at Key Stage 1, compared to non-participants. More than 650,000 primary school-aged children take part each year in the 'Summer Reading Challenge', run by nearly all libraries during the long summer holidays. In 2006, the Museums Libraries and Archives Council established the Youth Libraries Board to develop improved library services for teenagers.

580. In addition to these sporting and cultural opportunities, the Music Manifesto was launched in 2004 by the Government, in collaboration with a consortium of 60 music organizations, educators, musicians and representatives from the music industry. It offers a vision and a set of priorities and sets an agenda for the next three to five years, focusing on children and young people, to develop and improve music education and ensure that young people have the opportunity to enjoy a broad range of musical experiences. There are now more than 1,200 signatories to the Music Manifesto.

581. English Heritage, the government's agency for the promotion and protection of the historic environment, encourages children and young people to enjoy, understand and value their historic environment. This includes schools, colleges, teacher training institutions and other educational organisations, as well as families, youth groups and adult lifelong learners. In 2005-2006 English Heritage properties hosted 485,000 educational visits. In addition, in 2003 English Heritage introduced free access to their 400 properties for children under nineteen with an accompanying adult who is a member. All children under five have free entry to the 400 English Heritage properties.

582. In Wales, the Assembly Government's *Creative Future (Cymru Creadigol)* strategy aims to increase access to cultural experiences for children through the medium of English and of Welsh.

583. In Scotland, *Scotland's Culture - the Scottish Executive Response on the Cultural Review* (2006) sets out the Executive's cultural policy. It cites Articles 13, 29 and 31 in the UN Convention as the Executive's starting point - to be promoted further in action to implement the new cultural policy. *Scotland's Culture* was developed in consultation with children, and proposes an 'escalator model' to help Scotland's talented children move from school through to further and higher education and/or into employment in the cultural sector.

584. The Arts Council of Northern Ireland (ACNI) has implemented a range of initiatives, such as: the creation of a dedicated Arts Development Officer post for Youth Arts; the establishment of a Youth Arts Funding Policy; and the establishment of the Creative Youth Partnership Programme.

### **Youth policy**

585. *Youth Matters*, published in July 2005, set out plans to reshape services for young people in England, ensuring they receive personalised advice and guidance - with targeted help and support for young people who are most at risk, and ensuring access to a wide range of positive activities. It is being delivered through a number of work-streams including:

- Youth Opportunity and Youth Capital Funds (YOF/YCF): a combined budget of £115 million over 2 years (2006-08) to provide young people with more choice and influence over facilities in their area;
- Positive Activities for young people programme: aimed at young people aged 8-19 who are at risk of social exclusion and community crime. Funding is being made available (£166 million since April 2003) to provide activities during the school holidays;
- Youth Volunteering: following the Russell Commission report on youth action and engagement, the Government has set up a new charity, "V", which aims to reach a target of 1 million new young volunteers over the next five years. The DCSF Millennium Volunteers programme (and £15 million budget) was transferred to "V" on 1 April 2007 - which is in addition to the £150 million announced by Government to provide quality volunteering opportunities for young people;
- Spending by local authorities in England on the delivery of Youth Services increased from £343m per annum in 2003-04 to £403m in 2006-07.

586. 49% of the respondents for the 2003 Citizenship Survey (of 1,666 children aged 8 to 15) reported that they had engaged in one or more civic activities, such as school or club committees, including the giving of help to groups, clubs or other organisations in the previous 12 months.

587. The Education and Inspections Act 2006 introduced a new duty for Local Authorities in England to secure access to, as far as reasonably practicable, sufficient positive leisure time activities and facilities for such activities. These leisure time activities must include sufficient educational leisure-time activities and facilities which are for the improvement of young people's personal and social development.

588. The Scottish Executive issued a consultation paper in August 2006 on youth work issues including specific questions on accessibility for all young people including those in rural areas and on issues and barriers faced by young people from minority ethnic backgrounds, disabled young people and homosexual and transsexual young people in accessing youth work opportunities. The Executive then launched a youth work strategy in March 2007 designed to improve young people's life chances and experiences. The strategy aims to support long-term growth in the sector with more opportunities for young people, volunteers and youth workers, better facilities and more effective, targeted support at a national level. The strategy also includes a range of shorter-term measures as part of a "Year of Action", to put in place new support structures and boost the capacity of the sector to take forward the longer-term vision.

589. In Wales, each local authority is required by law to provide or secure high quality youth support services. The Youth Service works through local Young People's Partnerships to form a network of provision to enable all young people to access the 10 Entitlements set out in *Extending Entitlement: support for 11-25 year olds in Wales*. Links are made with young people through a range of contact points, including youth clubs, uniformed organisations, faith-based groups, street work, counselling, information and advice centres, and specialist centres focused, for example, on art or sport.

590. The National Youth Service Strategy for Wales commits the Welsh Youth Service to encouraging young people to become equal partners in their learning processes and decision-making. The Strategy also commits the Service to working with Funky Dragon, youth forums and schools councils to enhance the network of participation opportunities for young people throughout Wales. National Standards for Children and Young People's Participation have been developed, including a Participation Quality Mark for those organisations that have achieved the standards

591. The Scottish Executive issued a consultation paper in August 2006 including specific questions on accessibility for all young people including those in rural areas and on issues and barriers faced by young people from minority ethnic backgrounds, disabled young people and homosexual and transsexual young people in accessing youth work opportunities.

592. In Northern Ireland, the Department of Education with colleagues in the cross-sectoral Youth Service Liaison Forum have produced a Strategy for the Delivery of Youth Work in Northern Ireland. The overall aim is to: "Ensure that young people have the skills, knowledge and opportunities to make informed choices about their lives, and are at the heart of designing, managing and evaluating youth work policy and practice, have opportunities to address issues they are interested in, and can make a meaningful contribution within their communities and within public and political decision making".

## **C: Statistics and resources**

593. Every year maintained schools in England return data via the School Census. This records the ethnicity of each pupil as well as a range of other characteristics (age, gender, entitlement to free school meals, etc). Because the Unique Pupil Number is collected alongside other personal details such as name and date of birth, schools, local authorities and the Department for Children, Schools and Families is able to match data on pupil characteristics with achievement and attainment data. Only anonymised data are provided for statistical analyses, thus protecting the confidentiality of individuals.

### **Academic achievement**

#### *Black and minority ethnic pupils - positive trends*

- 45% of Black Caribbean pupils achieved 5+A\*-C in 2006 compared to 42% in 2005, 36% in 2004 and 33% in 2003;
- 57% of Bangladeshi pupils achieved 5+A\*-C in 2006 compared to 53% in 2005, 48% in 2004 and 46% in 2003;
- 51% of Pakistani pupils achieved 5+A\*-C in 2006 compared to 48% in 2005, 45% in 2004 and 42% in 2003.

#### *Gender*

- Girls consistently outperform boys in virtually all of the minority ethnic groups in each of the Key Stages, as they do nationally. This is not true for Key Stage 2 where in Maths and Science, boys and girls perform similarly and in some ethnic groups boys outperform girls;
- There is variability in the gender differences across the ethnic groups. For example, at Key Stage 4, in 2006 the difference between Black Caribbean boys and girls was 16.4 percentage points compared with 6.5 percentage points for Mixed White and Asian heritage.

#### *Free school meals*

- Latest data show an improvement in the achievement of pupils eligible for Free School meals with an increase of 3.1 percentage points in the percentage of pupils at the End of Key Stage 4 achieving 5+ A\*-C at GCSE and equivalent between 2005 and 2006, from 29.9 to 33.0. This compares to an increase nationally of 2.4 percentage points.

### **Exclusions**

- In 2004-05, around 26 in every 10,000 pupils of Mixed ethnic origin were permanently excluded from school. This was the same as the exclusion rate for Black pupils (of all categories), which was around twice that for White pupils. These rates are similar to the previous year;

- Almost 8 in every 100 pupils of Black or Mixed ethnic origin were excluded for a fixed period in 2004/05. This compares with almost 6 in every 100 pupils of White ethnic origin and around 2 in every 100 Asian pupils;
- Pupils with statements of SEN are around 3 times more likely to be permanently excluded from school than the rest of the school population. Of all permanent exclusions in 2004-05, 58 per cent were of pupils with SEN (statemented and non-statemented); this is down from 64 per cent in the previous year.

594. Further statistical information related to this chapter is available in Annex 1.

## **D: Factors and difficulties**

### **Continuing to raise standards while narrowing achievement gaps**

595. In order to continue to raise standards, schools in England will need increasingly to focus on narrowing attainment gaps between high and low achievers, particularly those from specific disadvantaged groups. Strategies are in place for these groups (as mentioned above, for example: Care Matters for looked after children and Aiming Higher for minority ethnic groups).

### **Reducing bullying**

596. The Government in England takes bullying very seriously and will continue to implement strategies to address the various ways in which bullying manifests itself (such as issuing revised guidance in September 2007 on bullying to schools, which will include specialist advice on prejudice-driven bullying and cyber bullying). The situation will continue to be monitored and the Government will continue to work in partnership with schools and NGOs, all the time this remains an issue of concern to children.

597. The Schools (Safety and Supervision of Pupils) (Scotland) Regulations 1990 place a duty on education authorities in Scotland to take reasonable care for the safety of its pupils. Building on this duty, the Executive has provided funding to support implementation of the recommendations in the *Better Behaviour - Better Learning* report on promoting positive behaviour in schools. To support children and young people affected by bullying the Executive supports ChildLine Scotland to run a specific Bullying Line to listen to children and support them.

### **Improving the education of children in custody and their reintegration into the education and skills system**

598. The UK Government recognises that there is more to do to improve education for children in custodial settings in England. We are reviewing education for young people in custody to consider how best to improve access to appropriate education and to raise the quality of teaching and learning in line with mainstream education improvements in the community. Ensuring appropriate support and reintegration for young people as they leave custody and re-enter the community is a particular challenge. Government is committed to publishing forward plans to improve education for young people in the youth justice system by the end of 2007.

### **Children not engaged in education employment or training (NEET)**

599. A further challenge is the group of children who are not in education, employment or training (NEET), who have remained at 9%-10% of the 16-18 age group, in England, over the last decade. Further action is needed to here to create opportunities for these young people to attain the optimum educational outcomes and secure economic and other aspects of well being.

600. The Scottish Executive is also committed to reducing the numbers of young people in Scotland who are not in education, employment or training, recognising that the economic impact of young people not engaging in work or education, and the personal challenges which lie behind the statistics, can only be resolved by tackling the range of different circumstances in which these young people find themselves. Working closely with the public, private and voluntary sectors, the Executive's challenge is to improve the participation of 16-19 year olds in learning (both informal and formal; in school and elsewhere). Action is being taken across education, training and wider services to transform the educational experiences of all children and young people, especially those at risk of disaffection and under-achievement.

### **CHAPTER VIII: SPECIAL PROTECTION MEASURES (arts. 22, 30, 32-36, 37 (b)-(d), 38, 39 and 40)**

601. The UK Government and devolved administrations are committed to ensuring the safeguarding and promotion of children's welfare in order that they may safely enjoy their childhood. We are therefore committed to the implementation of the Articles, with the exception of those areas where we have lodged reservations about specific aspects of individual Articles.

#### **A. Concluding observations - follow-up**

#### **Asylum-seeking/refugee children**

##### **CRC/C/15/Add.188 para. 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.**

*(a) Detention of unaccompanied minors*

602. Unaccompanied asylum seeking children (UASC), including those individuals whose age is unclear but who are being treated as minors, are not, as a matter of policy, detained. The policy is for them to be supported by local authority children’s services, which have the skills and facilities to provide suitable care and support to children. In practice, most of those who arrive in the UK when already aged 16 or 17 are placed in accommodation that is shared with other young people, while the majority of those who arrive before their 16<sup>th</sup> birthdays are placed with foster carers.

603. The exception to this general practice arises in circumstances where it may be necessary to detain an unaccompanied minor whilst alternative care arrangements are made. Such detention is usually only for a very brief period, most commonly for a single night. The need for this approach might arise, for example, where a child is encountered during the course of enforcement or linked activity, and where there are no appropriate adults in whose care the minor can immediately be placed.

604. The Government also wants to improve age assessment techniques, and reduce the possibility of children, whose ages are disputed by the Border and Immigration Agency, being detained together with adults (as well as to avoid the risk of adults being inappropriately supported as, and placed with, children). The Government is actively working with the Association of Directors of Children’s Services (ADCS), with a view to introducing new procedures, including voluntary dental x-ray procedures, as a means of helping to determining the ages of relevant asylum applicants.

605. Detention can occur for children in families whose claim for asylum has failed and who have exhausted all appeals. This is an unfortunate but necessary part of maintaining an effective immigration control and a robust but fair asylum system. The Government would much prefer that families with children who have no lawful basis any longer to remain in the UK left voluntarily. Where they do not, detention may on occasion be necessary in order to effect departure. Detention of families is kept to the minimum period necessary - published statistics show that the vast majority of detained families spend fewer than 7 days in detention. The cases of detained families are kept under close and frequent review throughout the period of detention

to ensure that swift case progression is maintained and that detention continues for no longer than is necessary. In those exceptional cases where detention lasts for 28 days or more, continuing detention is subject to weekly Ministerial authorisation.

606. Close working arrangements are in place between the Border and Immigration Agency (BIA) and local authority children's services departments in areas where there are removal centres with family accommodation. Yarl's Wood, the main removal centre for family detention, has a full-time, professional social work presence. Social workers carry out welfare assessments of all children detained with their families at Yarl's Wood and provide input on welfare issues, which contribute to the system of Ministerial authorisation of detention beyond 28 days for families with children.

*(b) Access to basic services*

607. All refugee children have exactly the same entitlement to access services as UK citizen children. Asylum seeker children of compulsory school age (5-16 years) are entitled to free education and all asylum seeker children and are entitled to receive, as other children, health and welfare support.

608. On arrival in Scotland, Unaccompanied Asylum Seeking Children (UASC) are classed as 'looked after' children and are supported by local authorities in keeping with their duty under the Children (Scotland) Act 1995 to provide for children in need. This is similar to the position in Wales where, on referral to a local authority, a thorough assessment is made of a child's needs and the appropriate support provided. All asylum seeking children who, following assessment, become 'looked after children' (or 'children in need') are entitled to support and assistance under the same legislative arrangements relating to UK citizen children. As with any child, it is important that services are tailored to individual needs. For example, unaccompanied asylum seeker children tend to become looked after at a much older age than indigenous children and for very different reasons (their separation from their families only rarely arises because they have suffered abuse and neglect at the hands of their parents).

609. Children supported by the Border and Immigration Agency as part of an asylum seeking family receive financial support that is the equivalent of 100% of the income support rate, even though asylum seeker adults receive this support at a lower rate. There is additional provision for pregnant women and young children. A one-off maternity payment is available to assist with the costs associated with the arrival of a new baby and, since 2002, pregnant women and children under the age of three have been entitled to receive additional payments. These may be used to purchase milk or healthy foods of the mother's choice.

610. Families with children under 18, who were in receipt of asylum support at the time their appeals for asylum have been exhausted, will continue to receive support. If a child is born or becomes part of the household after appeal rights are exhausted, support may be provided to the family under section 4 of the Immigration and Asylum Act 1999, provided the principal applicant is eligible. Section 4 support is intended as a limited and temporary form of support for people who are expected to leave the UK. Support is provided in the form of self-catering accommodation with vouchers to purchase food and essential toiletries. In exceptional cases, full-board accommodation may be provided, depending on availability.

611. The Government is committed to ensuring that those, including families and children, whose asylum applications are unsuccessful (because they do not have a well-founded fear of persecution) do not remain indefinitely in the UK. In order to deliver this policy in practice, the UK Government is developing a range of measures, such as enhanced packages for assisted voluntary returns, to encourage unsuccessful applicants' families to take steps to leave the UK.

*(c) Guardians for unaccompanied minors*

612. All unaccompanied seeking children seeking asylum in the UK are referred to a local authority for assessment support under the provisions of relevant children's welfare legislation. In addition, the children are entitled to publicly funded legal representation in relation to their asylum applications. For those children who are considered to have suffered abuse and neglect at the hands of their parents and carers, and in respect of whom family court proceedings are initiated, a children's guardian is provided (in Scotland, different arrangements apply). Given the support provided to children and young people under these provisions, the Government does not believe that a formal "guardianship scheme" is necessary.

*(d) Preventing children from being moved from areas where they have settled*

613. Children who, following assessment, are supported by local authorities are not 'dispersed' to other areas in the UK once they reach 18. Only those whose asylum claims have been unsuccessful may be directed to relocate to other areas. Similarly, they may also be the subject of removal and enforcement action, requiring them to leave the UK.

*(e) Dealing with asylum applications*

614. In March 2007 the UK Government introduced a new process for dealing more quickly with new asylum claims. It is vital that there are processes in place for identifying as soon as possible those whose asylum claims are well founded, in order that they may enjoy the protections conferred by refugee status, while those whose claims are not well founded should promptly leave the UK. A new, dedicated, process for children was introduced at the same time.

615. All new asylum applications from children are considered by specially trained Case Owners who are responsible for the case throughout the asylum process. These Case Owners will also ensure that children are referred to the relevant local authority where appropriate.

616. All children over 12 are interviewed by Case Owners, who receive special training to interview children/young people. Prior to the interview they will be invited to an initial introductory meeting with the Case Owner who will be dealing with their asylum claim. The Case Owner will explain the asylum process and will answer any queries the child may have. When a decision is made on their case, they will have this decision given to them in person. Children under 12 will also be offered the opportunity of a first contact and will also be directly provided with the asylum decision in their cases. However, they will not be interviewed. To help children understand the asylum process, the *Children Arriving in the UK* booklet was produced in 2006 in conjunction with the NGO Save the Children to explain the asylum process to unaccompanied asylum seeking children.

617. In 2003, the statuses of 'Humanitarian Protection' and 'Discretionary Leave' replaced 'Exceptional Leave to Remain'. Those whose asylum applications are successful are recognised as refugees. Unaccompanied Asylum Seeking Children (UASC) whose asylum claims are unsuccessful are granted Humanitarian Protection if a return to their country of origin is likely to result in a breach of their rights under Articles 2 or 3 of the ECHR. If they do not face this risk, they will normally be granted Discretionary Leave until they reach 17.5 years. Unaccompanied children will only be returned to their home countries before their 18<sup>th</sup> birthdays where they have a family to return to or where adequate reception and accommodation arrangements are in place.

618. The Government believes that this new process will enable children and young people to have a voice and an improved opportunity to tell their story in the asylum application process. The new process will also provide more clarity for children and young people, giving them a more timely resolution to their applications, enabling them to make plans for their futures based upon clearer outcomes.

*(f) Legal representation for children in the immigration and asylum system*

619. Children and young people have access to legal representation throughout the asylum process. The Border and Immigration Agency is in the process of putting procedures in place to ensure that children and young people who do not have legal representation are identified at the earliest opportunity. The full asylum interview is carried out in the presence of a legal representative.

*(g) Address thoroughly the particular situation of children in the ongoing reform of the immigration and asylum systems*

620. The Government has recently introduced a raft of new measures to the asylum and immigration process. In addition to those described above, the consultation paper "*Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*" was published in March 2007. The proposals in the consultation are designed to improve the existing system for unaccompanied children and to achieve a position where such children are placed in "specialist" local authorities that have developed the capacity and specific expertise to work with this vulnerable group. This will ensure that the particular needs of unaccompanied children are appropriately addressed by professionals experienced in working with them.

621. There had been considerable public and political concern in Scotland about the treatment of asylum seeking families. However, following discussion between the Scottish Executive and the Border and Immigration Agency, measures were agreed to help ensure that children's needs are met more fully and their rights better protected and supported. For example as part of its "legacy review" of all existing cases, arrangements are in place in Glasgow to ensure that any relevant information is made available to the Agency about the health, welfare and education of the children of asylum seekers in Scotland.

## Irish and Roma travellers

### **CRC/C/15/Add.188 para. 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**

622. The UK Government and devolved administrations are committed to reducing discrimination against Irish and Roma traveller children and combating all obstacles to their full enjoyment of the Convention rights.

623. Since the last report, a comprehensive review of Gypsy and Traveller accommodation policy in England has been undertaken by the Government in England and as a result, numerous changes have been put in place to ensure that an informed and strategic approach is taken to identify the accommodation needs of these communities and that the planning system identifies land to meet these needs.

624. The Government's drive to provide a proper and sufficient supply of suitable accommodation for the Gypsy and Traveller communities in England, involves a new approach which requires:

- Local authorities to take the lead in assessing the accommodation needs of Gypsies and Travellers alongside those of their settled population;
- Each local authority to play its part in meeting that need through the planning system by identifying appropriate land in its local plans for sites, which may be publicly or privately owned;
- Significant public investment for new sites and refurbishment of existing sites, together with a drive to encourage increased investment and provision by the private sector.

625. The Government in England has made up to £56m available over the two years 2006-07 and 2007-08 for the provision of new sites and for refurbishment of those which already exist to ensure they provide a satisfactory standard of accommodation for these communities and future generations to come.

626. Lack of suitable accommodation can be particularly detrimental to Gypsy and Traveller children. The Welsh Assembly Government commissioned a study on the accommodation needs of Gypsies and Travellers in Wales, which was published in May 2006. In response, it has allocated £5 million over the next five years to refurbish sites and a dedicated Gypsy and Traveller team has been set up within the Assembly Government to take forward this work.

627. Further measures to support Irish and Roma Traveller children and prevent discrimination are set out in chapters III and VII of this report.

628. The Scottish Executive has provided funding to the Scottish Traveller Education Programme (STEP) for a number of years. This has facilitated work including the production of guidance for education authorities and schools on inclusive practices for interrupted learners. More recently, the Executive commissioned STEP to assess the effectiveness of their guidance on inclusive education approaches for Gypsies/Travellers. Following that research, STEP is currently taking forward work based on a number of related recommendations. This includes the facilitation of the development and maintenance of an e-learning community to assist in providing more continuity for interrupted learners, the production of rapid assessment guidance to assist schools receiving new Gypsy and Traveller pupils, and also the development of a national hand-held record to improve the quality of information on progress schools receive.

### **Children in armed conflict**

#### **CRC/C/15/Add.188 para. 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.**

#### *(a) Optional Protocol on involvement of children in armed conflict*

629. The United Kingdom ratified the Optional Protocol on 24 June 2003 and remains firmly committed to it. The UK Government recognises the importance of providing special treatment for children under the age of 18 serving in the Armed Forces and the need to have robust and effective safeguards in place to ensure they are not placed unnecessarily at risk.

630. The UK Government made a further declaration upon ratification relating to the involvement of under 18s in hostilities. This included a clear commitment to take all feasible measures to ensure those who had not yet reached the age of 18 years old do not take a direct part in hostilities. Accordingly, administrative guidelines and procedures are now in place to ensure that, wherever practicable, under 18s are withdrawn from their units before they are deployed on operations. The introduction of these guidelines have been successful in reducing the number of under 18s who have deployed into areas where they may be exposed to hostilities, with only eighteen children (aged under 18) deployed since the Optional Protocol was signed in 2003 (all of these from the Army) and none since July 2005. The vast majority of those that

were deployed were within one week of their eighteenth birthdays or were removed from theatre within a week of their arrival. Only four under 18s were deployed for a period of greater than two weeks compared to well over 100,000 adult personnel deployed by the UK on operations during the same period. The declaration also set out a number of exceptional and well-defined circumstances in which it might not be feasible to prevent the direct involvement of under 18s in hostilities. There are no plans to withdraw this declaration.

631. Further details on the measures the UK has taken to implement the provisions of the Optional Protocol are provided in its first Report which is being submitted to the UN in parallel with this report.

*(b) Recruitment of children to the armed forces*

632. The UK made a declaration upon ratification of the Optional Protocol concerning the minimum age of recruitment and on the safeguards to ensure that all recruitment of under 18s is genuinely voluntary and with informed consent of the volunteer and his or her parents. The minimum recruitment age remains at 16 and there are no plans to change this. All recruitment into the UK Armed Forces is voluntary and no applicant under 18 years of age may join the Armed Forces unless their application is supported by the formal written consent of his/her parent or guardian.

633. The Government takes its responsibility for the wellbeing and safety of all Service personnel (including under 18s) extremely seriously and has made significant improvements in light of the Deepcut Review (following the tragic deaths of four young army recruits), building on work that was already underway following the House of Common's Defence Committee report and the Adult Learning Inspectorate's (ALI) Safer Training report. The 2007 ALI report on Better Training described the MoD's achievements as "something of a triumph of focused effort to resolve serious problems". Whilst the majority of the actions arising from the Deepcut Review are now complete or nearing completion, we do not see this as the end of the story. The Government is committed to maintaining the improvements already achieved, and to continuing to address the areas where performance can be improved. Mechanisms are in place, including internal monitoring and external inspection, to ensure that this is the case. The Government has also recently updated and re-issued policy on the care of under 18s in light of the Deepcut Review and other reports.

*(c) Administration of juvenile justice in Northern Ireland*

634. The Northern Ireland-specific provisions in the Terrorism Act 2000 will be repealed with effect from 31 July 2007. Thereafter, the remainder of this statute will apply in Northern Ireland as it applies to the rest of the United Kingdom. The criminal justice system in Northern Ireland was reviewed in 2000. The review made 294 recommendations, including a number pertaining to Youth Justice. Almost all of the recommendations have been taken forward in new legislation, such as:

- The establishment of the Youth Justice Agency in April 2003, as an executive agency of the Northern Ireland Office;

- The closure in October 2003 of Lisnevin Juvenile Justice Centre, which was unsuitable as a facility for young people. At that time the young people were transferred to temporary refurbished accommodation at Rathgael. A new purpose built juvenile justice centre, which was completed in December 2006, became fully operational in January 2007;
- The integration of Youth Conferencing into the youth justice system in Northern Ireland using a model based on restorative principles;
- The Criminal Justice Review had also considered the availability of disposals to the courts and two new orders, Reparation Order and Community Responsibility Order, were introduced in December 2003 to provide further sentencing options and to support the long-term aim of reducing the number of young people in custody. This aim was further advanced by the introduction of a Bail Support Scheme and Remand Fostering; and
- As recommended, the inclusion of 17 year olds in the youth court commenced in August 2005.

In addition, Section 53 of the Justice (Northern Ireland) Act 2002 requires all persons exercising functions in relation to the youth justice system to have regard to the welfare of children affected by the exercise of their functions, with a view to furthering their personal, social and educational development.

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

##### **CRC/C/15/Add.188 para. 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.**

635. Since October 2004 younger workers (16-17 year olds) have enjoyed the protection of the National Minimum Wage. From that date they were entitled to £3.00 an hour. This was increased to £3.30 in October 2006 and will be increased to £3.40 from October 2007. This entitlement is enforced by 16 teams around the country in HM Revenue and Customs. This rate was set to protect young workers against the worst cases of exploitation, whilst not being so high as to encourage young people to take up low paid employment rather than continue their education or pursue an apprenticeship. Independent research carried out by the Low Pay Commission confirmed this.

636. There is no minimum wage for 13-15 year olds as these children should be in full time education and the Government does not wish to encourage them to seek work. At this age, children are viewed as financially dependent and the State provides financial support to their parents in recognition of this.



## Sexual exploitation and trafficking

### CRC/C/15/Add.188: Para. 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 criminalise children who are sexually exploited;
- (c) Continue to implement policies and programmes in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;
- (d) Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.

#### (a) *Child prostitution, its scope and causes*

637. In 2004, following an extensive scoping study, the UK Government conducted a public consultation, *Paying the Price: a consultation paper on prostitution which covered England and Wales*. This covered the abuse of children through prostitution and also sought information on the scope, causes and background to this form of child sexual exploitation. Following the consultation exercise, in January 2006 the Government published a coordinated strategy on prostitution. The strategy aims to challenge the existence of street-based prostitution and all forms of commercial sexual exploitation, and includes specific actions to raise awareness, prevent children from becoming involved and to provide support, for those already involved, enabling them to take routes out of prostitution. As part of this strategy, the Sex Education Forum has produced a factsheet on healthy relationships and sexual exploitation to assist Personal Social and Health Education coordinators and teachers to plan and deliver effective education on sexual exploitation at key stages 3 and 4 (which cover children aged 11-16).

638. The Northern Ireland Office has provided £100,000 funding to Barnardo's "Beyond the Shadows" project, a study to examine the extent of child prostitution, to promote awareness of the problem and to suggest strategies for tackling it. Awareness-raising and preventive work with children and young people will help identify individual and collective needs to inform the range of responses required. The project also works with other agencies, making robust links with significant key agencies, for example, within social services, health, the police and education.

639. Following a scoping study on the nature and prevalence of child sexual exploitation in Wales (*Out of Sight, Out of Mind*, Barnardo's Cymru, 2005), the Welsh Assembly Government has commissioned Barnardo's Cymru to review the protocols used by Welsh local authorities for dealing with children abused through prostitution, and to ensure that the All-Wales Child Protection Procedures incorporate protocols for sexually exploited children. The Government's aim is to ensure that local protocols are in line with official guidance, are shared and understood across agencies, and are rigorously applied. The project will be completed later in 2007.

640. In Scotland, the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 strengthens the law protecting children from those who would sexually abuse or exploit them. It introduces a range of new offences including the making of payments for the sexual services of a child under 18; causing or inciting the provision of sexual services by a child under 18 or child pornography; arranging or facilitating the provision of sexual services by a child under 18 or child pornography; and grooming a child under 16 for the purposes of committing a sexual offence. The Act was widely supported by those working with vulnerable children as a useful tool to help reduce sexual exploitation and child prostitution.

*(b) Preventing criminalisation of children who are sexually exploited*

641. The Government Strategy on prostitution described above also signalled our intention to update the current guidance on *Safeguarding Children Involved in Prostitution*, first published in 2000. The updated guidance will have a broader scope, looking more generally at safeguarding children who are sexually exploited, including those abused through prostitution. The 2000 guidance stipulates that children found loitering or soliciting should only be prosecuted as a last resort where a young person persistently and voluntarily returns to the streets. Since the publication of this guidance, prosecutions for this age group have fallen (in 2005, there was only 1 conviction).

642. There are specific provisions in the *Code for Crown Prosecutors* to ensure that are not inappropriately criminalised. The Code requires the Crown Prosecutor to consider the interests of a child when deciding whether it is in the public interest to prosecute. Such cases are usually only referred to the Crown Prosecution Service (CPS) for prosecution if the child has already received a reprimand and a final warning. Reprimands and final warnings are intended to prevent re-offending.

*(c) Continue to implement policies in line with World Congresses against commercial sexual exploitation of children*

643. Responsibility for tackling the specific instances of sexual exploitation falls largely to local agencies such as the police, health professionals, and local authority children's services. The Government in England and Wales has continued to strengthen the policy framework and the infrastructure for tackling commercial sexual exploitation of children. This includes tackling on-line exploitation, which can be associated with off-line abuse.

644. The Sexual Offences Act 2003 clarified and strengthened the framework of criminal offences which can be used to tackle the sexual exploitation of children including:

- New offences to prevent children being abused through prostitution and pornography - including: buying the sexual services of a child, causing or encouraging child prostitution or pornography, arranging or facilitating child prostitution or pornography, and controlling any of the activities of a child involved in prostitution or pornography;
- Clarification of the laws around rape and consent;
- New offences to tighten the legal framework around sexual activity with children under 16 and under 13;

- New offences to tackle grooming children for abuse including on-line grooming;
- Introduction of Risk of Sexual Harm Orders, a new preventative order, which can be used to prohibit adults from engaging in inappropriate behaviour;
- Provision for “sex tourists” convicted of sex crimes abroad to comply with notification requirements for sex offenders in this country;
- Introduction of a new foreign travel banning order that can be used in certain circumstances to prohibit those convicted of a sexual offence against a child under 16 from travelling abroad;
- Introduction of new offences against trafficking persons into, within and out of the country for the purposes of sexual exploitation;
- Re-enactment of provisions allowing for the prosecution of British citizens or residents for sexual offences against children, committed abroad (provide the act was illegal in the country where it took place).

645. The UK participates in the Virtual Global Taskforce, which brings together law enforcement agencies in different countries to provide an international response to on-line child abuse. This is covered in more detailed below.

646. The Child Exploitation and On-Line Protection Centre (CEOP) was set up in 2006 to provide a cross-disciplinary centre for tackling on-line exploitation and associated abuse. The organisation brings together specialist police officers with other experts including secondees from key IT providers. See below for more information on CEOP.

647. In 2006 the Government in England and Wales published its co-ordinated strategy for tackling prostitution including preventative measures and steps to tackle child prostitution.

648. In 2006 the Government in England published a revised version of the core statutory guidance “*Working Together to Safeguard Children*”. This new version made clear the need for agencies to tackle commercial sexual exploitation of children. It incorporated in the core guidance the key messages from supplementary guidance ‘Safeguarding Children Involved in Prostitution’ and emphasised the need for local agencies to develop inter-agency protocols to guide action where there are concerns about this type of abuse. It also emphasised the strong links that have been identified between prostitution, running away from home, human trafficking and substance misuse.

649. “*Working Together*” included new guidance on sharing information about underage sexual activity aimed at ensuring that children’s social care and the police are informed where appropriate about underage sex. This should help them identify and tackle patterns of behaviour which suggest sexual exploitation including commercial sexual exploitation.

650. The Government in England has supported work helping schools to raise children’s awareness of the danger of sexual exploitation including commercial sexual exploitation as part of Personal, Social and Health Education.

651. The *Cross-Government Sexual Violence and Abuse Action Plan* published in April 2007 summarises the work Government is doing and plans to do in this area.

652. The UK Government and devolved administrations are working more broadly to tackle the problem of trafficking, much of which relates to commercial sexual exploitation. This work is set out more fully below.

(d) *Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area*

653. This is an area of work which spans several Government Departments in England, including the Department for Children, Schools and Families, the Home Office, the Ministry of Justice and the Department of Health. National level agencies are also active including CEOP, which represents a significant commitment of resource from UK Government and devolved administrations. The bulk of the day-to-day work, and the bulk of the resources, rest with the front-line agencies, particularly local authorities and the police, which prioritise within their own resources to address these issues.

#### **Administration of juvenile justice**

##### **CRC/C/15/Add.188 para. 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.**

##### **Para. 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.**

*(a) Age of criminal responsibility*

654. The Crime and Disorder Act 1998 (covering England and Wales) abolished the doctrine of '*doli incapax*' for children aged 10-14. Previously, for a child aged over ten but under 14 to be convicted of a criminal offence in England or Wales, the prosecution had to prove that the child not only committed the act in question, but that he or she knew that what they were doing was seriously wrong. This led to difficulties such as delaying cases or even making it impossible for the prosecution to proceed.

655. The UK Government, in relation to England and Wales, believes that children of this age generally can differentiate between bad behaviour and serious wrongdoing, and that it is not in the interests of justice, of victims or the children themselves to prevent offending from being challenged through formal criminal justice processes. The Government is concerned about 10 and 11 year olds becoming drawn into offending behaviour, and believes that commencing criminal responsibility from the age of 10 helps children develop a sense of personal responsibility for their behaviour. However, interventions are intended to be rehabilitative rather than punitive. A large part of a Youth Offending Team's role is to work closely with children beginning to display offending behaviour to prevent it escalating. The early teenage years are an important, high risk period when timely intervention can make a real difference.

656. The Government is keen to ensure that children are not prosecuted whenever an alternative can be found. The Reprimands and Final Warning Scheme is the most likely response to offending by this age group, and may include interventions to tackle offending behaviour and underlying problems. Local multi-agency Youth Offending Teams include local authority children's services and health professionals, who help identify a child's needs and refer them to other statutory services.

657. The total number of children (aged 10-17) sentenced in 2005 was 96,200. 119,000 children (10-17) were given pre-court reprimands or final warnings of whom 6,631 were 10 to 11 year olds.

658. The age of criminal responsibility in Northern Ireland is also 10. Although the comprehensive review of the criminal justice system in Northern Ireland considered the matter, it did not recommend that the age should be increased. It did, however, recommend that children aged 10 -13 who are found guilty of criminal offences should not be held in a juvenile justice centre and that their accommodation needs should be provided by the care system. Whilst legislative provision was made to meet this recommendation, it was felt that a non-institutionalised approach would be more appropriate. This approach is also supported by the judiciary and Northern Ireland Human Rights Commission. The youth justice system therefore continues to work with a range of partners in the statutory and NGO sectors.

659. In Scotland, the level at which the age of criminal responsibility is set was reviewed in 2001 and at that time Scottish Ministers concluded that age 8 years continued to be an appropriate threshold for criminal majority, in the context that most children aged under 16 who offend are dealt with through the Children's Hearings System; that System is welfare based (i.e. when a child offends this is addressed in the context of securing their own best interests - there is no punitive outcome); and for the small number of children prosecuted in the courts, referral to the Hearings System for advice and/ or disposal is the usual outcome for all but a tiny minority.

*(b) New orders introduced by the Crime and Disorder Act 1998*

660. In England and Wales, anti-social behaviour orders (ASBOs) are civil court orders which prohibit someone from engaging in specific anti-social behaviours. They can be used against anyone who is 10 years old or older (over 12 years old in Scotland) who has behaved in a manner that caused or was likely to cause harassment, alarm or distress to someone or some people who do not live in their own household.

661. In England, an Acceptable Behaviour Contract is given when a local authority and youth offending team (YOT) identify a child demonstrating low-level anti-social behaviour. With the child and their parents or carers, they agree a contract, which is non-statutory in nature, under which the child agrees to stop the patterns of behaviour that are causing nuisance to the local community and to undertake activities to address their offending behaviour.

662. Parenting contracts (which are also non-statutory agreements) can also be used alongside acceptable behaviour contracts or other interventions to set out what parents will do to address the anti-social behaviour of their child. Agencies can also apply to the courts for a parenting order to impose requirements on the parent or guardian which will usually include their attendance on a parenting programme or counselling.

663. It is important to recognise that children themselves are often the victims of anti-social behaviour and these interventions protect them from the small minority of their peers who behave anti-socially. Interventions can also serve to protect the child who is perpetrating the anti-social behaviour and promote their well-being. £4 million in funding has been announced for 77 English local authorities to employ parenting experts to help families whose children are involved in, or at risk of exhibiting, anti-social behaviour.

*(c) Ensuring no child can be tried as an adult*

664. In England and Wales, a defendant under 18 cannot be tried as an adult or receive an adult sentence though, in certain circumstances involving serious offences or where co-defendants are adults, may be tried in an adult court. For example, the alleged offence of murder will be tried in the Crown Court. However, where the defendant is aged 10-17, he or she will be tried and, if found guilty, sentenced as a child. Most cases involving children aged 10-17 are dealt with in the Youth Court, a section of the magistrates' court. The Youth Court has the power to sentence children aged 12-17 to Detention and Training Orders of up to 24 months, as well as to a range of community sentences. Youth Courts are less formal than magistrates' courts and seek fully to engage with the children appearing in court and with their families. Magistrates are trained to engage directly with the child and ensure, so far as is possible and reasonable, that he or she is able to participate fully in the proceedings. The court is, where possible, arranged so that all involved are on the same level and the child is able to sit with or near their parents (or guardians) and legal representative. Members of the public are not allowed to observe the court hearings. The victim(s) of the crime can attend the hearings of the court, which is required to consider the needs and wishes of victims.

665. In Scotland, the Criminal Procedure (Scotland) Act 1995 provides that no child under the age of 16 should be prosecuted in Court except on the instructions of the Lord Advocate. When a child appears in court, the court retains the power to (and in some circumstances must) seek advice from or remit the case to a children's hearing. The Children's Hearings System, rather than the Courts, ordinarily deals with children who offend up to the age of 16. In addition, children who are subject to a supervision requirement when they reach 16 may continue to be dealt with by the Hearings System until age 18.

666. The previous Scottish Executive undertook a pilot of a Youth Court dealing specifically with 16-17 year olds, who would otherwise have been dealt with through the adult court. Youth Courts have specially designed disposals geared to the specific needs of 16-17 year olds - otherwise the rules of procedure followed are broadly the same as for the adult court. The Youth Court model is designed to encourage a multi-agency approach to tackle repeat offending and the swiftness of the process not only reduces the opportunity for further offending in the period between charge and court appearance but also allows victims of crime to see an earlier outcome. The Scottish Government will be reviewing whether the Youth Court model offers an effective means of dealing with this age group.

*(d) Protecting the privacy of children in conflict with the law*

667. In England and Wales, section 44 of the Youth Justice and Criminal Evidence Act 1999 prohibits the publication of any information which is likely to identify a person while they are under the age of 18, as being involved in an offence while the criminal investigation is ongoing. For the purpose of this provision, a person involved in the offence includes the perpetrator, a victim or a witness to the offence. The person's name, address, the identity of any school or other educational establishment or place of work he attends, or any picture of him are specifically prohibited from publication.

668. In the case of children who breach the terms of ASBOs, age alone is insufficient to justify reporting restrictions being imposed but the court must have good reason to make an order. Section 141 of the Serious Organised Crime and Police Act 2005 reverses the presumption in relation to reporting restrictions in the youth court for breach of ASBOs. This means that in the event of such proceedings being made against a child for breach of an order, a court will not be bound by automatic reporting restrictions in section 49 of the Children and Young Persons Act 1933. While automatic reporting restrictions do not apply, the court retains the discretion to impose them. Such situations would arise where Articles 3, 4 and 16 apply, for example, where a court determines that a child would be at risk of harm if his or her details were made public. At the other end of the scale, children themselves may be victims of anti-social behaviour and need protection from the perpetrator, even if he or she is also a child, in which case it would be appropriate for the court to allow open reporting, better to enable the ASBO to be enforced. These situations may sometimes provide a conflict of interests which are ultimately matters for courts to decide. Case law has determined that, in order to operate effectively, ASBOs need to be publicised and that the use of appropriate and proportionate publicity is compliant with both the ECHR and the Human Rights Act 1998.

669. Government Guidance on ASBOs, as applied to England and Wales, provides comprehensive advice on the use of publicity. The guidance makes it clear that the practice of publicising the identities of those who are the subject of ASBOs is not intended to punish or embarrass them. Rather, the key purpose is to safeguard the communities towards whom anti social behaviour has been displayed. A case-by-case approach is advocated with the human rights of the individual who is subject to the ASBO being balanced against those of the community.

670. In Scotland, section 43 of the Children (Scotland) Act 1995 provides that a Children's Hearing must be conducted in private and that members of the public are not allowed to attend. Section 44 of the Act prohibits the publication of any matter anywhere in the UK that is either intended to or is likely to identify any child who is subject to proceedings at a Children's Hearing - this was extended to include any child connected with children's hearings proceedings by section 52 of the Criminal Justice (S) Act 2003 - in the interest of protecting the identity of child victims of youth crime. The Act also provides for the protection of the identity of children before a Sheriff on referral from Children's Hearings.

671. Section 46 of the Children and Young Persons (Scotland) Act 1937 provides for the protection by the court of the identity of children. In any proceedings, the court may direct that no report may reveal the name, address, or school, or particulars calculated to lead to the identification, of any person under the age of 17 years concerned in the proceedings.

672. In Northern Ireland, in all criminal cases, a child's right to privacy is protected under statute unless disclosure is deemed, by the court or the Secretary of State, to be in the public interest. The civil (rather than criminal or penal) process under which anti-social behaviour orders operate also provides courts with the discretion to apply reporting restrictions in cases involving children. Reporting restrictions may also be imposed in cases involving adult offenders where there is a risk of children and other vulnerable witnesses and victims being identified.



*(e) Detention of children as a last resort, and for the minimum possible time*

673. The Government is committed to diverting children from criminal behaviour. The reforms of children's services in England are designed to ensure that children are able to get the support they need at an early stage, with those children who display offending behaviour being drawn into more structured support. In England and Wales, the Reprimand and Final Warning scheme contains pre-court interventions to tackle offending behaviour and underlying problems, so that initial offending by children is dealt with outside the court. Most young offenders who attend court for the first time and plead guilty are given referral orders, which involve a referral to a panel. Those who offend more seriously and persistently may become the subject of a range of community sentences, which are designed to prevent further offending and deal with underlying issues. Youth Offending Teams prevention programmes such as the Youth Inclusion Programmes (YIPs) are targeted at those on the cusp of offending to try to prevent them from being drawn into a cycle of offending. Parenting programmes can also offer support to families to help address issues underlying offending behaviour.

674. Children in the UK are made the subject of custodial sentences only as a last resort. Custody is only available where the seriousness or persistence of the offending makes its use unavoidable or where there is a risk of harm to the public. Under section 153 of the Criminal Justice Act 2003, covering England and Wales, a custodial sentence must be for the shortest term commensurate with the seriousness of the offence or offences.

675. In England and Wales, about 200,000 young people receive reprimands, final warnings or are found guilty each year. 97% of them are dealt with through community interventions or non-custodial sentences, while 3% receive custodial sentences.

676. However, the Youth Justice Board is aware that there has been a rise in juvenile remands to custody and in custodial sentences. At the end of January 2007 there were 2,853 under 18s in secure accommodation (Youth Offender Institutions 2,364, Secure Training Centres 269 and Secure Children's Homes 220. There were 2,643 males and 210 females in custody). The Youth Justice Board is working with sentencers to try to ensure that custodial sentences are only given when no other sentence is appropriate and that courts in all areas follow best practice.

677. The UN Committee has previously recommended that children should be separated from adults in detention. Since the UK entered a Reservation against Article 37(c) of the Convention in 1991, considerable progress has been made towards achieving full separation of children in custody from adults. The Ministry of Justice has conducted a detailed review of the ability of the youth justice system in England and Wales to comply with Article 37(c). The review concluded that custodial establishments in England and Wales are now meeting the requirements of Article 37(c). This represents an enormous advance on the position five years ago. We will continue to monitor the situation and will consider with Scotland and Northern Ireland at what point it might be desirable to withdraw the UK's reservation against Article 37(c). See Chapter I for further information.

678. In Northern Ireland, the legislative changes (primarily the Criminal Justice (Children)(Northern Ireland) Order (1998)) introduced between 1996 and 1999 raised the threshold for custody, and resulted in a large reduction in the number of children held in custody, from 100 to fewer than 30, and for shorter periods (from an average of 9 months

in 1996 to a current average of 4 months). Shorter determinate sentences were introduced ranging from 6 months to 2 years with half of the custodial order to be served under supervision in the community. This sustained reduction in population facilitated the closure by 2003 of the unsuitable accommodation at Lisnevin and the development of a single custodial establishment for Northern Ireland.

679. In Northern Ireland, only in very exceptional circumstances are children ever accommodated with adults. Special provision has been made (as recommended by the Criminal Justice Review) for males under 18 years old committed to the Young Offenders Centre at Hydebank Wood to be kept apart from the older young people. Further, courts are now able to send vulnerable 17 year olds to Woodlands Juvenile Justice Centre in Bangor where younger children are accommodated. Following a review of these arrangements, further changes to legislation are being considered to provide additional legal safeguards (provisions) to ensure that the most vulnerable children are accommodated appropriately.

680. In Scotland, offenders aged between 16 and 21 can be detained in a Young Offenders Institution, but Section 207 of the Criminal Procedure (Scotland) Act 1995 provides that a social enquiry report must be obtained before detention is imposed and that detention is only to be imposed where no other method of dealing with the offender is appropriate.

681. The Scottish Executive has introduced a number of initiatives to help keep children out of detention wherever possible. For example, in 2005, Intensive Support and Monitoring Services in 2005 was introduced as a direct alternative to secure accommodation, and there has been significant investment to increase the number and improve the quality of community based support for children involved in offending.

*(f) Provision of advocacy for children deprived of their liberty*

682. In England and Wales, every child in custody has access to an independent advocacy service. A programme to achieve this in Young Offender Institutions was completed in 2005. Prior to this, Secure Training Centres and Secure Children's Homes already had advocacy arrangements. Advocates may be able to support the young person in relation to complaints by the child or in relation to disciplinary procedures against the child. In addition, the Prisons and Probation Ombudsman, who is independent of the Prison Service, has a duty to investigate complaints from people in Prison Service custody, including those under 18.

683. Children in custody in Northern Ireland have access to the Independent Representation Scheme provided by the Northern Ireland Association for the Care and Resettlement of Offenders and there are plans to develop the service further to strengthen a specific advocacy aspect of the work. The Young Voices Project, offered by the NGO Include Youth, provides children in custody with a further opportunity to express their views and concerns. All children in prison custody have the right to complain to the Prisoner Ombudsman, who took up post in May 2005, once the internal complaints resolution system is exhausted. In addition, the Northern Ireland Prison Service has appointed Opportunity Youth to act as advocates for children in internal disciplinary proceedings.

684. In Scotland, independent advocacy and a representation service is available to all children in secure care. It is a needs led service and children are able to attend the regular visits by Who Cares? Scotland advocacy staff or to request extra meetings. Evaluation of the service is routinely collected through worker recording sheets which allow feedback from both the children and secure care staff that use the service. All prison establishments have in place local authority social workers who prioritise the provision of advice to vulnerable children.

*(g) Education, health and child protection for children deprived of liberty*

685. All children need to have a safe, secure and positive start in life. Currently, around 150,000 children aged under 18 (70,000 of whom are school-age) become involved with the youth justice system in England and Wales each year and many more young people are classed as 'at risk' of offending within local communities.

686. Re-offending risks are high: 78.2% of young people sentenced to custody re-offend within one year; for community sentences, this figure is 70.3%. There is compelling evidence that engagement in education and training is one of the most important factors in reducing both offending and re-offending, and that this group of children need support and education to enable them to lead crime free lives.

687. Secure establishments for children are required to provide a regime of purposeful activity and education, with a particular emphasis on safeguarding and child protection. Initiatives for children in custody continue to be developed to address offending behaviour and minimise the risk of re-offending. The acquisition of numeracy, literacy and vocational skills underpins this work. Since the juvenile estate was set up in April 2000, facilities and regimes for the under 18s have been transformed. The Youth Justice Board (YJB) has helped to drive up standards, which has in part been achieved by placing a far stronger emphasis on education and training, cognitive behaviour programmes and the development of social skills. The Youth Justice Board for England and Wales continuously monitors the conditions in which young people under 18 are detained in custody. Custodial establishments are regularly inspected by independent statutory bodies. Responsibility for the commissioning of health services to children in custody in public sector prison establishments in England and Wales has now been transferred to Primary Care Trusts/Local Health Boards, which are responsible for ensuring that health services are delivered to the same standard to children in custodial establishments as in the community. There is also an expectation that healthcare in private sector establishments is delivered to NHS standards.

688. Health services in Secure Children's Homes are commissioned by the providers of these services. They work under contract to the establishment, often from local National Health Services in the community. The cost of these services is met by the provider and ultimately paid for by the Youth Justice Board, which sets out in its contracts with service providers its requirements for the level of health services to be provided for children.

689. Health services in Secure Training Centres are, as for Secure Children's Homes, commissioned as part of the wider contract held by the Youth Justice Board for those centres and accommodated within the bed price. These services are currently more commonly provided by private health care providers.

690. The Children Act 2004 set out a new framework of law covering safeguarding arrangements for all children, with those in custody being specifically provided for in the legislation. The Act places a responsibility to safeguard and promote the welfare of children on all managers of secure facilities; and governors or directors of secure establishments are required to act as partners in the new Local Safeguarding Children Boards.

691. Children in custody include some who are at risk of self-harm. Safeguarding them is an enormously difficult task. The Youth Justice Board has worked with the Prison Service to develop a range of measures to safeguard children in custody. This includes counselling and specialist psychological support and Suicide Prevention Coordinators in all establishments.

692. In such difficult circumstances there are still challenges to be addressed. Six children have died while in custody since 2002 and such tragic incidents are painstakingly investigated: an independent and effective investigation, open to an appropriate degree of public scrutiny, is required under the European Convention on Human Rights. The Government places great importance on learning the lessons of any deaths in custody. After the death of Joseph Scholes in 2002, the Government commissioned an independent review of a number of operational issues in the youth justice system. The report of the review was published in September 2006, together with the Government's response. The response detailed a wide range of measures taken or being taken to strengthen the processes of assessment and placement and to improve communication between different parts of the system. The Ministry of Justice is continuing to monitor the implementation of those measures.

693. Another area of concern is the use of restraint. The Youth Justice Board's code of practice *Managing Children and Young People's Behaviour in the Secure Estate* (February 2006) makes it clear that restraint should only be undertaken on the basis of a risk assessment that harm is likely to occur if a physical intervention is not employed. The Youth Justice Board has set up a joint behaviour management / safeguarding programme board with the prison service which will consider a number of policy areas impacting on behaviour management.

694. All staff in the Juvenile Justice Centre in Northern Ireland who work directly with children complete full Therapeutic Crisis Intervention (TCI) training to give them the skills to de-escalate volatile situations without resort to physical restraint. These staff also receive full initial and refresher training in the use of Physical Control and Care (PCC) to facilitate safe restraint when this is unavoidable. In addition, Northern Ireland Prison Service staff are required to undergo annual training in the 'Use of Force, Control and Restraint' and in de-escalation techniques. Other 'non prison grades' and support workers receive annual training in 'Defensive Techniques'. The Prison Service published a revised use of force policy in September 2006.

695. The Scottish Executive is committed to ensuring that all children who are detained, either in secure accommodation or in a Young Offenders Institution, are properly protected and their rights protected. Detailed Care Standards published by the Care Commission require that children held in a secure setting have suitable care, accommodation, access to education, health care and other services as well as a right to privacy. In some cases however, where there is a risk of self harm, the right to privacy must be carefully balanced with the right to life when considering issues such as suicide. Family visits are actively encouraged where appropriate, to maintain a right to family life. Policies and procedures in Scottish secure units are inspected

against these care standards. The current redevelopment of the Scottish secure estate will ensure that there is adequate accommodation provision to allow children to be held safely, but without subjecting them to periods of solitary confinement away from the main accommodation.

696. All prisoners in Scottish prisons, including under 18s, have suitable care, accommodation, access to education (this is compulsory for those under 16 and voluntary for those aged 16 to 18), health care and other services as well as a right to privacy. Young offenders' circumstances are regularly reviewed to ensure that child protection arrangements match those available other children. The Scottish Prison Service has a suicide prevention strategy, Act 2 Care, that allows prisoners to be held in such conditions to prevent self-harm. Visits are essential to the prison regime and prisoners have a right to family visits. Prison regimes and the application of the Prison & Young Offenders Institutions (Scotland) Rules 2006 are independently inspected by the HM Chief Inspector of Prisons. There is also an independent Visiting Committee appointed by Scottish Ministers which reviews the application of the 2006 Rules in Young Offenders' Institutions. All those in prison, including under 18s, have access to the Prisoners Complaints procedure, which allows them to raise any concerns about treatment whilst in prison.

697. In Northern Ireland, children in the Juvenile Justice Centre are encouraged to improve their standards of education and achievement and are provided with a full range of education, training and development opportunities appropriate to their age and ability. Class groups primarily consist of three children and each child is allocated a personal tutor to support their education. The Centre is not required to deliver the National Curriculum but provides a broad range of subjects aimed at meeting the particular needs and interests of the young people, the majority of whom have dropped out of formal education some years beforehand.

*(h) Status of 17 year olds for the purpose of remand*

698. The consultation document 'Youth Justice: the Next Steps', published by the Government in 2003 for England and Wales, reviewed the issue of bringing the treatment of 17 year olds for bail and remand purposes in line with that for younger children. At present, 17 year olds are treated as adults for court and police bail and remand purposes and they do not benefit from the youth court options and criteria. They are treated as children for sentencing purposes. This is a complex area which the Government recognises is anomalous. However, it has proved to be an extremely complicated issue as it is not possible simply to replicate the bail and remand system that applies to under 17s. This is because the remand system that is in place for under 17s is interwoven with the placement of these young people into local authority care, which is not suitable as a placement option for most 17 year olds. This situation remains under review, with further potential solutions being considered.

699. Section 53 of the Justice (Northern Ireland) Act 2002 extended the youth justice system to 17 year olds. This provision was commenced on 30 August 2005.

*(i) Resources for the children's hearings in Scotland*

700. In line with the 2002 Concluding Observations, the Scottish Executive is committed to providing the resources that the Hearings System needs to ensure it does the best possible job to protect and support children. Since it was formed in 1996, the budget of the Scottish Children's

Reporter Administration has more than doubled from £10m to £24m, although it should be noted that in the same period, the number of referrals to the Reporter has also more than doubled from 46,497 referrals in 1996-97 to 97,607 in 2005-06. Over the same period, Executive spending on support and training for panel members has gone from £300,000 to £2m per annum.

701. In addition, the Executive has significantly increased funding for youth justice to help prevent and tackle offending behaviour. Funding to specifically deal with youth offending (£3.5m per annum) first came on stream in 2000-01. This has steadily increased and now stands at £63m per annum. This funding has enabled the establishment of multi-agency youth justice teams in every local authority area and a significant increase in the number and range of services to support children who are offending or at risk of offending. This includes a number of innovative new approaches such as the SSP (school, social work, police) model which has worked well in Scandinavia and is now being trialled in a number of Scottish local authorities.

### **B: National programmes - update**

#### **Refugee children (art. 22)**

702. The Government launched a new website in February 2006 to provide information, guidance and examples of good practice to a wide range of practitioners working with refugee children in schools and other educational settings.

703. The Strategic Upgrade of National Refugee Integration Services (Sunrise) Project aims to empower refugees and their dependants by taking a caseworker approach to managing the transition from asylum seeker to refugee. As well as assisting new refugees and their dependants in meeting initial critical needs such as housing, this also focuses on ensuring that they are able to access services in other areas such as health, education, employment and training.

704. The Home Office's 'Refugee Challenge Fund' has also provided funding to projects that have promoted the welfare and integration of refugee children. For instance, in 2006-07 approximately £115,000 was provided to projects where the main or sole focus was children. As a result; '*The Child-time Trust*' provided counselling services to children; '*Caras*' enabled refugee children to take a more active role in their community through linking them with volunteer befrienders; and '*Croydon Refugee Centre*' aimed to increase access to early years education.

705. In Scotland, £2.65m has been provided to Glasgow City Council towards the additional costs of providing education and social work services to asylum seeking and refugee children. In addition, a number of projects funded through the Scottish Refugee Integration Fund provide services and activities for asylum seeking and refugee children, including a website hosted by Save the Children which provides information aimed at asylum seeking young people themselves as well as advice for professionals about the interaction of Scottish children's legislation and immigration law.

706. In Wales, as part of its Refugee Inclusion Strategy, the Assembly provides a grant for Asylum Seeker Education (£2.4m) which assists Local Education Authorities to provide additional school places and support mechanisms for asylum seeker pupils.

**The administration Of juvenile justice (art. 40)**

707. Research, carried out by the NGO Children's Rights Alliance for England, found that secondary analysis of surveys conducted by the Youth Justice Board reveals little change between 2001 and 2005 in the profile of children who get into trouble - most are likely to be boys aged 14-16 years. Since 2003 there has been a gradual increase in violent offending - especially in terms of hurting someone (though without the consequent need for medical treatment) and carrying a knife. Children continue to cite boredom as the main reason for offending.

708. The Government, through the YJB, has invested over £100million in prevention since 1997-98. This funding has been for a range of programmes, but much of the spending has been on the Youth Inclusion Programme (YIP), established in 2000. Prevention of crime is a big part of the government's strategy to tackle crime. YIPs target 8 to 17-year-olds at high risk of involvement in offending or anti-social behaviour, identified by a variety of agencies including police and local authority children's services. They operate in 110 of the most deprived, high crime estates in England and Wales and give children somewhere safe to learn new skills, take part in activities, get help with education and receive careers guidance. An independent national evaluation of the first three years of YIPs found that arrest rates for the 50 children most at risk of committing crime in each YIP had been reduced by 65%. Of the rest of the children who were at risk of offending and engaged with a YIP, only 26% were subsequently arrested. Of those who had offended previously, 73% were arrested for fewer offences after engaging with in a YIP programme.

709. However, a key element of prevention is working with the police. The Safer School Partnerships (SSPs) programme was launched in 2002. Whilst data on the number of SSPs is not collected centrally, there are thought to be at least 500 of one form or another. SSPs are a successful mechanism for ensuring structured joint working between schools and police. They work with school staff and local agencies to reduce victimisation, criminality and anti-social behaviour within the school and its community and they support vulnerable children and through periods of transition, such as the move from primary to secondary school. A recent University of York evaluation showed that SSPs are proving effective in improving behaviour and attendance, with truancy falling significantly and pupils feeling significantly safer.

710. Working with parents and carers is vital to the youth justice system's approach to preventing child offending, because parents play a vital role in helping to give their children better chances in life. In 2005-06, Youth Offending Teams facilitated parenting interventions with over 11,000 young people, and a similar figure is expected for 2006-07. Youth Offending Teams have been given an extra £9.5 million for the period 2006-08 to support their work with parents to prevent offending and re-offending of young people. With this funding, every YOT is expected to reach the parents of at least 20% of the 'at risk' children they work with. In 2007-08, this could be as many as 4,000 parents, an important part of the drive by Youth Offending Teams to reduce the number of first time entrants to the criminal justice system by 5% by March 2008.

711. There is no hard, scientific evidence specifically about the impact of parenting orders. However, YJB research has found that most parents value parenting programmes whether or not they were subject to parenting orders. Anecdotally, practitioners say parenting orders are a useful tool which can compel hard-to-reach parents to engage in supervising their child and in

undertaking a parenting programme; similarly, parenting contracts can help by giving structure to an intervention. Research projects are underway or planned which will include the evaluation of parenting orders and parenting programmes. Most significant is the Juvenile Cohort Study which will allow investigation of the link between different interventions including parenting orders, reconviction and associated outcomes. This part of the study will report in 2009-10.

712. When children do offend in England and Wales, where possible, they are dealt with outside the formal court system, often through the Reprimands and the Final Warning scheme. During 2004, over half of all young offenders were dealt with outside the formal court system. In suitable cases, children aged 16-17 can be offered a Penalty Notice for Disorder. This means that the matter is dealt with quickly, the child is enabled to understand the consequences of their actions but do not acquire a conviction and linked criminal record. The total number of children (aged 10-17) sentenced in 2005 was 96,200. 119,000 children (10-17) were given pre-court reprimands or final warnings of which 6,631 were 10 to 11 year olds.

713. In addition, the Government has greatly strengthened and expanded the range of non-custodial sentencing options available to the courts. These include referral orders which are now the main intervention for young offenders who plead guilty on their first court appearance. Children are referred to a community led panel, which negotiates a contract with them covering reparation and steps to tackle their offending behaviour. Other interventions include the action plan order, a focused three-month community sentence, and the reparation order, a court order which requires the young person to make specific reparation either to the individual victim of the crime (where the victim desires this) or to the community.

714. The Youth Justice Board has also developed the Intensive Supervision and Surveillance Programme (ISSP) to cater for serious and persistent young offenders who might otherwise be at risk of a custodial sentence. The programme consists of highly structured, individual programmes to tackle the causes of offending behaviour and intensive surveillance, consisting of tracking, electronic tagging, voice verification, or intelligence-led policing.

715. Further, there has been pioneering use of restorative justice, community payback and reparation in the Youth Justice System. In the six months between October 2004 and March 2005 almost 10,000 victims of youth crime took part restorative processes with youth offending teams. 97% of those who participated reported that they were satisfied with their involvement. During 2005-06, about 40,000 victims were offered the opportunity to participate in restorative justice and about half, 48% or 19,300, did so.

716. The Children's Hearings System, which has the best interests of children at its centre, is the primary forum for dealing with offending behaviour by children in Scotland. Before referral to the Hearings System is made, consideration should be given to whether a voluntary or diversionary intervention would be an effective means of improving behaviour. When it is considered appropriate, a Children's Hearing may impose compulsory measures of supervision setting out what a child should do or refrain from doing. This may include a requirement on the child to take up and co-operate with programmes and other support measures aimed at addressing their needs and behaviours.



717. If a child fails to comply with the terms of their supervision requirement they can be referred back to a Children's Hearing for further consideration of their circumstances and how to address them. A child cannot be referred to a court for not complying with their supervision requirement. From a zero base in 2000, around £63m was made available for youth justice in 2006-07, the majority of which was spent on services and programmes for children who are causing concern because of their offending behaviour and associated social education needs.

718. The Welsh Assembly Government published the All Wales Youth Offending Strategy in July 2004, jointly with the Youth Justice Board for England and Wales. It is a key principle of the All-Wales Strategy that young people should be treated as children first and offenders second, and this is explicitly linked to the Convention.

719. The Police Service of Northern Ireland (PSNI) has, in recent years, developed a specific Strategy for Children and Young People which is based on the premise of Diversion, Education and Consultation. The Youth Diversion Scheme (YDS) of the PSNI was established in September 2003, replacing the former Juvenile Liaison Scheme to provide a framework within which the PSNI can respond to all children who come into contact with police for a variety of reasons, including non-offending behaviour, risk of offending, antisocial behaviour, or the commission of an offence. The Citizenship and Safety Education Programme aims to establish and reinforce positive and productive contact between young people and police through the school sectors. Within the context of engagement, four Independent Advisory Groups across Northern Ireland were developed in February 2007 with the aim of engaging and consulting with children on policing matters which impact on their daily lives.

**The sentencing of juveniles, in particular the prohibition of capital punishment and imprisonment or placement in custodial settings (art 37)**

720. The death penalty is not used in the UK, for adults or children. On 27 January 1999 in Strasbourg, the Home Secretary officially signed Protocol 6 of the European Convention on Human Rights on behalf of the UK. This was ratified on 27 May 1999. The Protocol requires signatories to abolish the death penalty and requires that no person should be condemned to such a penalty or executed, and is thus in line with the UK's long-standing law and practice in this respect. The UK has also signed the Second Optional Protocol of the International Covenant on Civil and Political Rights in New York on 31 March 1999. This was ratified on 10 December 1999.

721. For certain very serious offences, children under 18 may be sentenced to detention for life. For those who commit murder, there is a mandatory sentence of detention, which is an indeterminate sentence. There is also an indeterminate sentence of detention for public protection for dangerous young offenders who commit serious offences.

**Physical and psychological recovery and social reintegration (art. 39)**

722. Support for young offenders in England and Wales, following their departure from custody, is vital to minimise the risk of re-offending. The Youth Justice Board for England and Wales published a Resettlement Framework for action in February 2006, setting out key resettlement pathways, including health, education and substance misuse services, which can reduce re-offending and promote effective re-integration into society. As part of this framework,

an Accommodation Strategy for young offenders ensures that they have suitable and sustainable accommodation. The strategy seeks to bring an end to the use of unsupported bed and breakfast accommodation for 16 and 17 year olds. The provision of suitable accommodation can mean a reduction of 20%<sup>3</sup> in re-offending and, in many cases, will ensure that young offenders get access to the mainstream services they require for proper rehabilitation.

723. In England and Wales, various resettlement programmes help young people to get settled after they leave custody. Resettlement and Aftercare Provision is a programme attached to youth offending teams, which works with young people with substance misuse problems, in custody and in the community. NACRO (National Association for the Care and Resettlement of Offenders) operates Resettlement Plus, available to all offenders, both in custody, leaving custody and in the community, as well as their families and practitioners. The service offers information and advice on a range of resettlement issues, including housing, benefits, training and employment.

724. RESET (Resettlement, Education, Support, Employment and Training) is a project with over 50 partners, including the YJB, that aims to improve the resettlement process for young offenders in England and Wales. Recent figures show that the Home Office is continuing to cut juvenile re-offending. The latest data available shows that there was a 3.8% reduction in 2004 compared to 1997 and a 1.4% reduction between 2000 and 2004.<sup>4</sup>

725. The Children's Hearings System in Scotland focuses not only on the deeds of a child, but on their needs. Children's Hearings make decisions which are in the best interests of each child, taking their welfare needs into account at the same time as addressing their offending behaviour. This is a fundamental principle which underpins Scotland's system of youth justice and facilitates the physical and psychological recovery of children while making sure their offending behaviour is addressed. Thus, most of the funding currently being made available to partners, £63m per annum, is contributing towards the rehabilitation and integration of children into society.

726. In Northern Ireland, the Justice (Northern Ireland) Act 2002 introduced a youth conferencing model to the youth justice system in Northern Ireland. It is based on restorative justice principles and gives young offenders the opportunity to understand the harm caused by their offences, to take steps to avoid offending in the future and make amends to their victims, family and community. Referrals to a youth conference can be either through the diversionary scheme operated by the Public Prosecution Service or following a finding of guilt in court. Completion of the roll out of youth conferencing across Northern Ireland was achieved in December 2006. The Act also made community responsibility orders and reparation orders available to the Youth Court. The community responsibility order is a two-part order which

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<sup>3</sup> *'Reducing Re-Offending by Ex-Prisoner's*, Social Exclusion Unit, 2002 found that the presence of stable accommodation in a young person's life can mean a reduction of more than 20% in reoffending rates.

<sup>4</sup> Re-offending of juveniles: results from the 2004 cohort, RDS-NOMS, Home Office, June 2006.

requires the young person to first participate in a programme of training in citizenship followed by an appropriate constructive activity for a designated numbers of hours while a reparation order requires the young person to make an act of reparation to the victim of their offence or to society at large.

### **Economic exploitation including child labour (art. 32)**

727. The UK Government believes that no child should be put in danger or exploited as a result of any work that they do and there is legislation in place to prevent this across the UK's constituent countries. However, opportunities for children's personal development, secured through voluntary access to legitimate employment experience should not be discouraged, while at the same time a safe environment and sensible limitations on types of work and on working times is essential.

728. The Children and Young Persons Act 1933, as amended, and the Children and Young Persons Act 1963, as amended, provide the principal legislation which governs child employment in England and Wales. In addition, each local authority may introduce child employment byelaws, which interpret for local application the principal legislation. Children under statutory school leaving age may work for a maximum of 12 hours per week during school term time, with a number of additional restrictions on early morning, late evening and weekend working.

729. The Children (Protection at Work) (Scotland) Regulations came into force in April 2006 bringing legislation in Scotland into line with EU Directive 94/33 on the protection of children at work. The regulations limit to 12 hours per week the number that any child below 16 can work during term time. This is a reduction from the previous upper limits of 17 hours per week for those under 15 and 20 hours per week for those aged 15. In Northern Ireland, the corresponding legislation is The Employment of Children (Amendment) Regulations (Northern Ireland) 2006.

### **Drug abuse (art. 33)**

730. The UK Government and devolved administrations aim to reduce the number of young people using drugs, to prevent the harms associated with drug use and ensure that all young people reach their full potential. In England, drugs policy has been integrated in key children's policy developments, for example those affecting looked after children, safeguarding and the *Common Assessment Framework*. The strategic guidance, *Every Child Matters: Young People and Drugs* was published in 2005. Joint targets and priorities on young people and drugs have been agreed by Drug Action Teams and Directors of Children's Services in 80% of local authority areas in England.

731. The Government continues to invest in drugs advice, information and early intervention for children through the Young People Substance Misuse Partnership Grant (YPSMPG). The grant brings together funding from a number of government departments and agencies. The value of the YPSMPG is £55 million in 2007-08. FRANK is the name of the Government's drug awareness and advice campaign for children and parents. The FRANK Helpline has received more than 1.6 million calls, 16.7 million visits were made to the talktofrank.com website, and more than 83,000 e-mails were sent to and replied to between May 2003 and December 2006.

732. Drug education in England is included in the National Healthy Schools programme which now covers 89% of schools and is on track for 100% coverage by December 2009, with 75% achieving National Healthy School status by the same date. Ofsted (the school inspectorate) reports that the quality of drug education has improved continuously since 1997. The DCSF issued *Drugs: Guidance to Schools* to all schools in England in March 2004. The guidance, which sets out the statutory position of drug education in schools, outlines how schools can develop and implement programmes of drug education and to deal effectively and consistently with drug-related incidents. Children were involved in the development of this guidance. The PSHE (Personal Social and Health Education) Certificate supports effective drug education.

733. The Welsh Assembly Government is currently developing a Substance Misuse Treatment Framework for Children and Young People. The framework addresses the key components of a comprehensive response to the threats posed by a variety of substances. These components are: universal early education programmes; targeted programmes that enable children to take part in discussions among themselves and with well-informed adults; preventative interventions to improve the potential that exists to prevent children moving from use to misuse of substances; and specific substance misuse prevention programmes.

734. The British Crime Survey (BCS) (for England and Wales) shows that the reported use of cannabis in the past year among 16-24 year olds has decreased by 24% from 1998 to 2005/06. In the same period the BCS reports a 67% fall in the use of amphetamines, a 71% fall in the use of LSD and a 64% fall in the use of glues. Over 21,000 under 18s in England accessed specialist substance misuse treatment April 2006-March 2007 (National Drug Treatment Monitoring System).

735. In Scotland, drugs education is part of the Health Education 5-14 National Guidelines (2000) - it covers the issues of controlled drugs, safe use of medicines, alcohol, tobacco and solvents. These guidelines provide a framework for health education within a comprehensive programme of personal and social education. The Scottish curriculum is currently being reviewed as part of a Curriculum for Excellence and learning and outcomes experiences are being developed for health and wellbeing which will include drugs/alcohol and tobacco education. Guidelines for the Management of Incidents of Drug Misuse (2000) provide schools with guidance on drug related incidents within the school premises or grounds. There has been a significant change in reported drug use since information was first collected in 1998. Between 2004 and 2006, prevalence of drug use in the last month among 15 year olds dropped from 21% to 14%. Although this figure has continued to drop, it is too early to tell whether this is a short-term change or the start of a trend. There was a small decline among 13 year olds of 3%, from 7% to 4%. There was no significant difference between boys and girls reported drug use.

736. In Northern Ireland, proposed key priorities for the new strategic direction for alcohol and drugs will include developing treatment and support services for young people under the age of 18 in respect of alcohol and drugs; a particular focus on the needs of children deemed vulnerable and/or at risk; addressing underage drinking; and ensuring education and prevention work follows models and principles of good practice. The revised curriculum includes Personal Development, which will help young people develop the skills and knowledge to deal with issues such as drugs, for example by exploring the effects and consequences of drugs misuse and developing their self esteem, health and well-being. Schools have a statutory duty to have a

drugs policy and to publish details of it in their prospectus. The Department of Education issued guidance in May 2004 to all schools on drawing up a drugs policy and drug education programme and on managing suspected drug-related incidents.

**Sexual exploitation and sexual abuse (art. 34) and other forms of exploitation (art. 36)**

737. The Government has strengthened measures, in England and Wales, to safeguard children and young people against the effects of child pornography. The Criminal Justice and Court Services Act 2000 Act increased the maximum sentence from 6 months to 5 years imprisonment for possession of child pornography and from 3 years to 10 years for production and distribution. The Sexual Offences Act 2003 extended existing prohibitions on the production, circulation and possession of any indecent photograph of a child under 16 to include images of children aged 16 and 17. This Act also established a range of new offences relating to unlawful sexual activity with children, including the offence of 'grooming'.

738. Significant changes have been made to the law in Northern Ireland through the extension of a number of offences in the Sexual Offences Act (2003) aimed at protecting children. The body of sexual offences law is currently being reviewed and it is proposed to have new legislation in place during 2007. The aim is to ensure a modern, effective and comprehensive body of law commensurate with contemporary society and behaviour, and which offers the highest standards of protection for everyone, but particularly for children and other vulnerable groups.

739. In 2001, the Government established the Task Force on Child Protection on the Internet to bring together Government, law enforcement, children's agencies and the internet industry to work to ensure that children can use the internet in safety. The Taskforce is currently working on a number of projects, including the production of best practice guidance on safety in Social Networking Groups to help tackle misuse of these sites by individuals seeking to exploit or harm children. The Government also commissioned from the NGO NSPCC a basic awareness training programme on the safeguarding implications of Information and Communication Technology for practitioners working with children or with adult offenders in the prison and probation services and in social care services.

740. The Government set up the Child Exploitation and Online Protection Centre (CEOP) in 2006. The Centre provides a single point of contact for the public, law enforcers, and the communications industry to report the targeting of children online and has a total annual budget of £5.11m per annum (2006 figures). CEOP also carries out proactive investigations and works with police forces around the world to protect children.

741. The Virtual Global Taskforce (VGT) was created in 2003 as a direct response to lessons learned from investigations into on-line child abuse around the world. The VGT comprises the UK CEOP, the Australian High Tech Crime Centre, the Royal Canadian Mounted Police, the US Department of Homeland Security and Interpol. The VGT delivers innovative crime prevention and crime reduction initiatives to prevent and deter individuals from committing on-line child abuse.

742. Further information on safeguarding the welfare of children can be found in Chapter V.

**Sale, trafficking and abduction (art. 35)**

743. On the 23 March, 2007 the United Kingdom became a signatory to the Council of Europe Convention on Action against Trafficking in Human Beings. The Convention will build on our strategy to combat human trafficking by providing minimum standards of protection and support for victims. It will also provide a platform upon which the UK Action Plan on Tackling Human Trafficking, which we also published on the 23 March 2007, can build.

744. The Action Plan pulls together all the work that is currently underway across Government to tackle human trafficking and sets out future plans to do so. The Plan was developed following an extensive consultation exercise which started in January 2006. The Plan applies to all forms of human trafficking, including trafficking for forced labour and child trafficking. It sets out proposals for action in the four key areas of prevention, enforcement and prosecution, protection and assistance to adult victims and child trafficking.

745. The new edition of *Working Together to Safeguard Children*, published in April 2006, makes clear that safeguarding children in England who may have been trafficked is within the scope of LSCBs and their work. The Home Office is also working with the Department for Children, Schools and Families to provide best practice guidance to professionals and volunteers from all agencies in England for safeguarding children who are abused and exploited by traffickers. It is planned to issue this Supplementary Guidance to *Working Together to Safeguard Children* in September 2007. The Scottish Executive is considering similar guidance for Child Protection Committees in Scotland.

746. A Child Trafficking Telephone Helpline Advice Service is being established to provide information and advice to social workers, police and immigration officers who may come into contact with children they believe to be the victims of trafficking or who are being exploited in some other way. It is intended that the service will be in place and operational by October 2007. The Government is providing a grant to ECPAT (UK) (End Child Prostitution And Trafficking), a specialist international voluntary organisation, enabling it to expand its training provision for staff who may need to identify and safeguard trafficked children. Specially trained multi-agency teams of immigration officers, police, and social workers trained in child protection are being established at three major ports and both asylum screening units.

747. The Chair of the Child Exploitation and Online Protection (CEOP) centre and the Association of Chief Police Officers wrote to all Chief Constables in March 2007 alerting them to the possibility that when their officers were raiding cannabis farms they may well encounter children, who had been trafficked in order to tend the plants and who may well have been there under duress. This was supported by similar guidance issued by the Crown Prosecution Service.

748. The Sexual Offences Act 2003 introduced offences covering trafficking into, out of or within the UK, for any form of sexual offence. These carry a 14 year maximum penalty. The equivalent Scottish provisions are contained at Section 22 of the Criminal Justice (Scotland) Act 2003. At least 12 defendants who have been charged in 3 separate cases that involved female victims between the ages of 15 and 18 since the introduction of the Act. Of these 10 were

convicted and received lengthy sentences.<sup>5</sup> An offence of 'trafficking for exploitation', which covers non-sexual exploitation, such as forced labour and the removal of organs, was included in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

749. The law enforcement response to human trafficking has until recently been co-ordinated by Reflex, a multi-agency taskforce on organised immigration crime, established in 2000. Since the publication of the UK Consultation of responses to proposals for an Action Plan on Tackling Human Trafficking in January 2006, co-ordination of enforcement work has moved on. Firstly, the Serious Organised Crime Agency (SOCA) was established in April 2006, with a renewed focus on improving intelligence and targeting those organised crime groups causing the most harm. The Child Exploitation Online Protection Centre (CEOP), affiliated to SOCA, also established in April 2006, focuses on combating the sexual exploitation of children. As a direct result of the consultation process, a new UK Human Trafficking Centre (UKHTC) was established in October 2006, which acts as the central point for the development of police expertise and operational co-ordination. One of the objectives of the Centre is to establish a more victim-centred approach to dealing with human trafficking. It is initiating joint working with other agencies, stakeholder organisations and NGOs, to develop and implement training and protocols relating to the accurate identification of trafficking victims and management of trafficking investigations; appropriate victim support networks, linked to similar international initiatives, including provision for victims returning to their country of origin.

750. Building on the success of Operations Pentameter, the UKHTC is helping to co-ordinate a second national and international anti-trafficking operation later this year. This operation will seek to rescue victims of trafficking forced into the off-street sex industry. The operation last year rescued 84 women, 12 of whom were minors.

751. CEOP published an initial intelligence gathering report on child trafficking, commissioned by the Home Office on 11 June 2007. The recommendations in relation to the identification and safeguarding of child victims of trafficking are being taken forward in the UK Action Plan to Tackling Human Trafficking. On behalf of SOCA, CEOP will produce an annual Strategic Threat Assessment into the nature and scale of Child Trafficking into and within the UK.

752. In addition, Airline Liaison Officers (ALOs) are Immigration Officers trained to work with airlines in over 30 countries to raise airlines' awareness of the potential vulnerability of children travelling into the UK. All newly appointed ALOs will receive additional training before taking up their appointment abroad, and additional advice provided to all existing ALOs.

### **Children belonging to a minority or indigenous group (art. 30)**

753. In Wales, the Welsh Assembly Government is committed to making Wales a bilingual nation. *Iaith Pawb*, the National Action Plan for a Bilingual Wales, was published in 2003, and sets targets for 2011 to bring about increased use and visibility of the Welsh language in all aspects of everyday life, including education, leisure and cultural activities.

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<sup>5</sup> This data was collected through returns from Crown Prosecutors as part of their monitoring of the SOA. It is not comprehensive as returns were not received from all Crown Prosecutors.

754. Other information on work to prevent discrimination and provide equality of opportunity to children from minority groups is contained in chapter III.

755. The St Andrews Agreement (October 2006) stated that government would introduce an Irish Language Act reflecting on the experience of Wales and Ireland and to work with the Executive to enhance and protect the development of the Irish language. The Northern Ireland (St Andrews Agreement) Act 2006 places a duty on the Executive to adopt a strategy setting out how it proposes (1) to enhance and protect the development of the Irish language, and (2) to enhance and develop the Ulster Scots language, heritage & culture.

756. A consultation paper on possible approaches to proposed Irish language legislation was launched on 13 December 2006. On 13 March 2007, the Department of Culture, Arts and Leisure (DCAL) published a further paper seeking views on indicative draft clauses. The deadline for responses was 5 June 2007. The current consultation received in the region of 11,000 individual written submissions which are currently being analysed.

757. Government has been working with the Ulster-Scots Agency to produce proposals for projects and initiatives that would give effect to the commitment to develop Ulster-Scots language, heritage and culture.

758. Inclusion and Equality is one of the *National Priorities in Education*, aiming to promote equality and help every pupil benefit from education, with particular regard paid to pupils with disabilities and additional support needs and to Gaelic and other lesser used languages. The Gaelic Language (Scotland) Act 2005 requires Bòrd na Gàidhlig, the Gaelic Development Agency, to advise on matters relating to the Gaelic language, culture and education and to develop a National Gaelic Language Plan setting out strategies and priorities for the future development of the Gaelic language, culture and education. The Executive makes available specific funding for Gaelic-medium education where there are sufficient numbers of children whose parents request it. In 2005-06, 2,068 children attended Gaelic-medium units in 61 primary schools. There were 1,296 secondary pupils learning Gaelic and 36 secondary schools offering Gaelic for fluent speakers.

### **Children living or working on the street**

759. The protection provided by the Children Act 2004 and homelessness legislation means that there are very few children in England who sleep rough. Between 1998 and 2001, the number of rough sleepers aged over 16 was reduced from 1,850 to fewer than 600 (a reduction of 73%). Children on the street aged under 16 may be classed as runaways or missing, though in many cases they are not reported as either. This makes a simple 'count' unreliable, although street counts by local authorities and their partners do provide a useful local snapshot for measuring changes in numbers and trends over time. Currently, children's services can and do place runaway children of whom they are aware in children's homes, emergency foster homes and other emergency care arrangements. *Every Child Matters*, described in chapter I of this report, works to address the multiple needs of these young people, that caused them run away in the first place, and Targeted Youth Support arrangements are designed to identify and address these needs through early identification of needs and provision of a personalised package of support co-ordinated by a Lead Professional.



760. The Rough Sleepers Initiative has been in operation in Scotland since 1999. Local authorities receive funding to assess and provide for the accommodation and support needs of people sleeping rough or at risk of having to sleep rough. The Executive is not aware that families with young children are living on the street in Scotland. Some teenagers may sleep rough. Where this occurs, children can be assisted by projects funded by the Rough Sleepers Initiative but local authorities will also have a duty to provide for them under the Children (Scotland) Act 1995 and the Housing (Scotland) Act 1987, as amended.

761. The Scottish Executive has also provided funding support for a refuge for young runaways based in Glasgow. The refuge accommodates around 100 children each year, mainly aged 12-15. While it is primarily for children from the Glasgow and nearby areas, runaways who arrive in the city from elsewhere can also access the refuge. The Executive has funded a scoping study, due to report shortly to assess the scale of the problem of young runaways in Scotland. A national working group is also being established shortly to develop a national strategy for young runaways and to assess whether existing guidance Vulnerable Children and Young People needs to be updated.

762. In Northern Ireland, cross-departmental, cross-sectoral Working Group was set up to consider homelessness (including youth homelessness) in the context of Promoting Social Inclusion. The Working Group published a draft report *Promoting the Social Inclusion of Homeless People: Addressing the Causes and Effects of Homelessness in Northern Ireland* for consultation. Action Plans have been prepared and the Department of Social Development is finalising a strategy document for publication in summer 2007.

**CRC/C/Add.188 para. 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.**

763. The Optional Protocol on the involvement of children in armed conflict is addressed above.

764. Since signing the Optional Protocol on the sale of children in September 2000, child prostitution and child pornography, the Government has strengthened the law, developed a range of practical measures to assist law enforcement agencies, children's services and other organisations, and strengthened mechanisms for international co-operation.

765. The necessary legislative steps to ensure compliance have been achieved primarily by the Adoption and Children Act 2002, the Sexual Offences Act 2003, the Criminal Justice (Scotland) Act 2003 and the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005. The majority of practical measures set out in the Optional Protocol have been implemented.

766. An assessment of the extent to which the UK is compliant with the provisions of the Optional Protocol is currently being undertaken, following which the steps to enable ratification to take place will be identified. A timetable for ratification can then be set.

#### **D: Factors and difficulties**

767. We are committed to driving down the number of young people who start to offend and to reducing re-offending, promoting the reintegration of young offenders into society. The most significant future challenges are in the area of custody. The under-18 custodial population is currently at a relatively high level. The Government and the Youth Justice Board are committed to working to reduce it. This is not an easy matter. As a proportion of all young people who admit or are found guilty of offending, the percentage sentenced to custody has fallen significantly since the start of the decade, from 4 per cent to under 3 per cent. There is already a strict legal requirement that a custodial sentence may only be given where no other sentence would be appropriate. Courts must retain discretion to decide in each individual case what the appropriate sentence is. We believe, however, that greater consistency of sentencing practice across the various regions of England and Wales would significantly affect the numbers going to custody. The Government and the Youth Justice Board will be working to ensure that full information is available to sentencers; and that best practice in sentencing is promoted and applied. We will be working with the Sentencing Guidelines Council and others to achieve this.

768. Managing the behaviour of young people in custody is never an easy matter. Because of the multiple problems many of them have experienced - family breakdown, mental health problems, low educational attainment, alcohol and drug abuse - they find it difficult to accept normal social restraints. Their behaviour is frequently challenging and sometimes dangerous. The Youth Justice Board will continue to work with establishments to minimise use of physical restraint and to ensure that where it is unavoidable, it is applied as safely as possible.

769. For similar reasons, looking after and safeguarding young people in custody is also far from easy. A significant number were already at high risk of self-harm while they were living in the community. Tragically, there have been occasions when a young person has died while in custody. The Youth Justice Board has done much to learn the lessons from these tragic deaths. Those lessons include better assessment of young people to identify those who may be particularly vulnerable; better communication of such information between the different parts of the youth justice system; and the high priority now given to safeguarding - so that every establishment now has a child protection co-ordinator and an independent advocacy service, for example. Since 2005, new social worker posts have been created in young offender institutions specifically to ensure that local authorities' safeguarding duties under the Children Act 1989 are properly carried out. They will continue to develop measures to improve safeguarding and to reduce risk as far as possible.

770. The government recognises that there is more to do to improve education for young people supervised by the youth justice system. We are reviewing education for young people in custody to consider how best to improve access to appropriate education and to raise the quality of teaching and learning in line with mainstream education improvements in the community. Ensuring appropriate support and reintegration for young people as they leave custody and re-enter the community is a particular challenge. Government is committed to publishing forward plans to improve education for young people in the youth justice system by the end of 2007.

**UNITED KINGDOM OVERSEAS TERRITORIES  
AND CROWN DEPENDENCIES**

**SUMMARY REPORTS**

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### **Introduction**

1. This section of the UK Government's report sets out the progress made in the UK's Overseas Territories and Crown Dependencies in implementing the Convention since 1999.
2. Britain's 14 Overseas Territories, spread throughout the globe, are diverse communities. From 1998, what were once known as British Dependent Territories became British Overseas Territories. Their inhabitants have full British citizenship and residence within the UK.
3. Each Overseas Territory is under the sovereignty of the UK, though not an actual part of it, and most are self-governing. In addition, the Isle of Man Crown Dependency is covered by this section of the report. The UK Government has responsibility for defence and international representation for the Isle of Man, which is otherwise self-governing.
4. The information in this section of the UK Government's report is a summary of that provided by each of the Overseas Territories and Crown Dependencies, the full text of which is supplied in an annex to the main report.

## ANGUILLA

### CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION

1. While no specific legislation to give effect to the provisions on the Convention has been enacted in Anguilla, provision to safeguard the rights of children is made under existing legislation. It is noted however, that the current OECS Law Reform Project includes legislation to provide for matters dealt with in the Convention. These include:

- Juvenile Justice Bill;
- Status of Children Bill;
- Adoption Bill;
- Child Care & Protection Bill;
- Domestic Violence Bill.

2. With reference to the list of Issues emanating from the previous report, the reservation regarding Article 37(d) and 32 of the Convention can soon be removed. The Government of Anguilla is currently developing a Juvenile Centre which should be operational in 2007. The Juvenile Centre will house 12-17 year olds who have been given custodial sentences. In addition Juveniles on bail and/or awaiting court appearances or sentencing may be housed in the facility.

3. The Child Abduction Act which was recently passed by the House of Assembly has created the environment for the implementation of two International Conventions relating to the civil aspects of International Child Abduction and to the Recognition and enforcement of foreign custody decisions.

4. The Attorney General's Chambers has taken the lead in establishing a Family Law Reform Committee to adopt and harmonize relevant legislation proposed by the Organization of the Eastern Caribbean States. In addition the Ministry of Social Development has established a Child Protection Steering Committee with the mandate to develop an Action Plan with a view to ensuring that Anguilla is in full compliance with all the articles of the Convention.

5. The Department of Social Development is the government department with primary responsibility for providing services for families and children. In 2006 \$2,271,198 EC were allocated to this Department - an increase from \$1,103,807 in 2004 and \$1,681,832 in 2005. Anguilla also received DFID funding for a project to strengthen the capacity of the Department of Social Development.

6. In 2004 the Government of Anguilla established the Department of Sports, Youth and Culture. The Department is also responsible for serving Anguilla's children through the promotion of cultural development, recreational activities and youth development. The Department commenced operation with a budget of \$241,532 EC in 2004 which has been increased to \$1,274,844 in 2006.

7. Anguilla is committed to ensuring that there is cooperation with civil society in the preparation of this report and in the implementation of the Convention. A recent workshop on Convention reporting was attended by a wide cross section of civil society including Government departments, NGO's and members of the media who also provided coverage of the event.

## **CHAPTER II: DEFINITION OF THE CHILD**

8. The position remains as stated in the last report save that:

- The minimum age of criminal responsibility is now 10 years. It is also noted that a child over 10 years and under 14 years will not be held criminally responsible unless he/she had the capacity to know that he/she ought not to have done the act or make the omission complained of;
- While the standard age for marriage remains at 18 years, a person under the age of 18 years of age can enter matrimony with the consent of the requisite persons.

## **CHAPTER III: GENERAL PRINCIPLES**

9. Since the last Report the principal laws affecting children are still in effect but their names have been changed. Judicial corporal punishment has been abolished in Anguilla.

10. In addition to the provisions of the Employment of Women Young Persons and Children Act, RSA, c E55, which prohibits the employment of young persons (i.e. 15 to 17 years) and children (i.e. under 14 years) in industrial undertakings or at nights, the employment of children under 14 years is also prohibited by the Employment of Children (Restriction) Act, RSA, c E50. The Education Act, RSA c E25 also prohibits the employment of children of compulsory school age (i.e. 5 to 17 years) during the school year and children under 14 years, at all times.

11. With regards to the maintenance of children the Maintenance Orders (Collection) Act allows the court to make orders for the attachment of earnings to enforce a Maintenance Order.

12. In keeping with Article 3 of the Convention, a comprehensive set of standards along with Procedural Manuals were developed for Foster Care, Child Protection and Adoption by the NCH regional child welfare agency for implementation in Anguilla. The Department of Social Development is charged with the implementation and enforcement of these standards.

13. Article 12 highlights the need for children to have the opportunity to express their views. The Student Council at the Albenia Lake Hodge Comprehensive School and the National Youth Council are two bodies where views are expressed. Representatives from the Youth Council also have input into governmental plans and policies affecting children and youth. In addition, there is also a number of radio and TV programmes produced and broadcast for and by young people.

## **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

### **Name and identity**

14. The Registration of Births, Deaths and Marriages Act, RSA provides that notice of the birth of the child must be submitted to the Registrar General within 30 days of the birth of the child regardless of whether the birth is live or still. In practice the hospital forwards the notice of birth to the registry of births. Usually a child's parents attend at the registry of births to register the birth of their child. If the parents are unmarried the father of the child who wishes to be acknowledged submits an affidavit with his particulars and his name is entered in the register. Currently, the percentage of births being registered is approximately 91%.

15. Section 80 (2) of the Anguilla Constitution also gives persons who meet the requirements stated in that section a status referred to as "Belonger" which gives that person all the rights of a British Overseas Territories Citizen (BOTC) (Anguilla) in Anguilla save and except the right to hold a BOTC Passport.

### **Freedom of thought, conscience and religion**

16. There has been no change to the position as outlined in the last report, However it is pointed out that when children are brought before the Magistrate's Court as children in need of care and protection under section 4 of the Juvenile Act, RSA, c.J20, the Magistrate often speaks with the children in Chambers or in camera in an attempt to ascertain the children's version of the experience they have had at home which led to an application being made to the Court by the Department of Social Development, as well as the children's feelings about being possibly removed from their home and placed in foster care.

### **Access to appropriate information**

17. The Department of Social Development continues to play a vital role in ensuring that children have their basic needs met through the process of law reform and also ensure that both parents have the responsibility for the upbringing and development of the child.

18. Anguilla has a fast growing Spanish speaking population. The mandates of this article are not being fully met in relation to these children. When dealing with the Spanish speaking clientele at the Department of Social Development, a translator is employed. Consideration is currently being given at the Departmental level to making printed material available to the public both in English and in Spanish.

### **Right not to be subject to torture**

19. The legal position remains basically as stated in the last report. However, although a minor is a person under the age of 18 years, if a minor age 16 years or over is charged with an offence, that minor is tried as an adult and is basically treated as an adult in the criminal justice system. Additionally under the Juvenile Act, RSA, c.J120 if a minor under 16 years jointly commits an offence with an adult, that minor is also tried as an adult. Section 15 of the same Act provides that a minor under 16 years charged with an indictable offence is tried in an adult court. There are no facilities to cater for children who come into conflict with the Law in Anguilla.

There is no legislation that speaks to the duties or role of key agencies to assist children in these circumstances. The Government is currently developing a Juvenile Detention Centre which will house youth between the ages of 12 and 17.

20. Presently child offenders are housed in Police detention cells to await bail or to await remand to prison. At present, there is one over crowded prison in Anguilla. The cells that are used to detain adults are also used to detain children. Children are kept in the same detention centre where they can interact with adult prisoners. Neither the police detention cells nor the prison is appropriate for children as the present conditions of both facilities have no direct means of separating children from adult offenders who may also be awaiting bail or remand. At present there are eight children (including 2 juveniles) in prison - 2 convicted, 5 awaiting trial and 1 mentally ill patient. During the day there are procedures in place to try as much as possible to keep the children away from the adult prison population by having them engaged in various activities and taking them to a different section of the prison.

21. Currently, there is no legal aid system in Anguilla. Children often appear before the court unrepresented by counsel. Presently, there is a draft Legal Aid Bill which when enacted, will make this service available to children charged with specified offences.

22. As regards the issue of corporal punishment, section 74 of the Education Act, RSA c E25 provides that degrading and injurious punishment shall not be administered in schools. It goes on to provide that corporal punishment may be administered by the Principal, or a teacher appointed by the Principal for that purpose, in conformity with guidelines issued by the Chief Education Officer.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

23. The recent Child Abduction and Custody Act brings into force the Hague Convention on the civil aspects of the International Child Abduction and the European Convention on Recognition and Enforcement of Decisions Concerning Custody of Children.

24. The Department of Social Development has embarked on several initiatives to ensure a safe environment for children. This department receives and investigates all cases of alleged child abuse. In cases where parents are deemed to be unfit or abusive, children are placed in Foster Care. A recent review of the entire foster care system has been undertaken. The aim of this review is to ascertain the effectiveness of the foster care system. The integration of the child into his/her birth family is an essential aspect of this initiative. At the end of 2005 there were 16 children in the custody of 12 foster carers.

25. In an effort to assist economically disadvantaged families and children, the Department of Social Development administers a public assistance scheme whereby needy families receive a monthly subvention. Single parent female headed households make up the majority of those persons receiving public assistance.

26. Legislative provision is made for parents in marital unions and divorcees equally to share in raising their children. While there may be court mandated child maintenance, there is no court mandated visitation right for unmarried fathers.



27. Previously, there were no restrictions on immigrants coming to Anguilla to work, bringing their children with them. Because of the high level of economic activity the need for imported labour has grown. The social infrastructure can no longer effectively cope with the increased social burden and as a consequence, restrictions have to be imposed on workers bringing their families with them.

28. Domestic violence continues to be a problem in Anguilla. The Department of Social Development has been working with the Family Hope Network, a local NGO to prevent domestic violence and combat its negative effects.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

29. Each of Anguilla's health districts has a health centre which provides primary health care within defined boundaries. Health clinics are staffed with a public health nurse, nurse midwives, community health aides, and clinic aides who provide basic core services, including maternal and child health, family planning, immunization, nutrition advice, care of the elderly, management of chronic diseases, and health education. Secondary Health Care is delivered at the hospital, which is a 36-bed facility. Anguilla offers no tertiary level care but has established linkages to other facilities regionally and internationally to provide these services.

30. The Health Authority of Anguilla through the Ministry of Health offers several free services that benefit children. Free prenatal care is offered to all pregnant women. All children are immunised free of charge and are provided with regular health assessments and dental care all free of charge. In an effort to further increase access to health services, the Government of Anguilla plans to introduce a national health fund beginning in 2007 which will provide a basis package to health services to legal residents of Anguilla.

31. Two Health educators deliver education programmes that focus on health promotion and wellness and emphasise behaviour modification and lifestyle changes. Interventions target primary and secondary school children, young adults and community groups. The Health Promotion Unit also provides young people with information on sexual and reproductive health as does the Anguilla Family Planning Association.

32. The National AIDS Programme does extensive outreach to young people as part of its activities under its national strategic plan. The programme has sponsored numerous youth meetings, conferences, and workshops aimed at engaging youth around HIV issues. Since 1988 there have been 30 documented cases of HIV infection. Currently there are no persons under the age of 20 years who have been confirmed infected. Anguilla has a comprehensive Prevention of Mother to Child Transmission Policy which is currently being implemented.

33. Nearly 100% of families living in Anguilla have access to clean water although not all households have piped water. Child Health Clinics are available at all five health centres. Services include monitoring growth and development as well as the nutritional status of children under 5 years of age. 100% immunization coverage was achieved for the target population of children 0-11 months.

34. During 2000-2003 there were no deaths in the 5-9 age group. There is an effective and successful School Immunisation Programme. The School Health Service also provides physical examinations, dental, hearing and vision screening for children 5-9 years of age. Family Planning Services are available to adolescents with parental permission and Family Life Education is available in the schools.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

35. Primary and secondary education is universal and compulsory. There are eight primary schools (six government and two private) and one government secondary school on the island. The secondary school is comprehensive and provides free education for all students up to 17 years. There are 97 secondary level teachers and 71 primary. There are 1439 primary pupils and 1115 secondary.

36. In keeping with the policy of providing equal access to educational opportunity, a range of provision is made for students with special educational needs. This includes early intervention in Literacy through Reading Recovery and Remedial Reading and Multi Professional Support.

37. Teenage mothers are able to complete their education and are not discriminated against in gaining access to education. A few of them however choose not to return to school.

38. At present there are limited facilities for the provision of higher education in Anguilla. Many students continue to go to the University of the West Indies, England, North America and Canada. The Anguilla Government has increased its scholarship scheme to enable more students to receive financial assistance. In collaboration with the University of the West Indies, a Certificate in Education Course is offered locally for teachers of both primary and secondary levels.

39. Technical and Vocational subjects are offered at the Comprehensive School. The Government is committed to the establishment of a Community College. A Master plan has been drafted and a Community College Development Unit has been established to spearhead the implementation of this plan. Post Secondary Studies in Technical and Vocational Education will be offered at the Community College.

40. Truancy problems do exist, but mainly at the secondary level. The Education Act provides guidelines for dealing with this issue. Education Welfare Officers have been employed to monitor attendance in schools and deal with incidents of truancy. The Department of Education provides meals and basic material and supplies for a number of students who have been identified as being in need of financial support. This is done as a means of encouraging these students to attend school regularly.

41. The Education system is also affected by an increase in incidents of misbehaviour including acts of violence as well as drug use among students at the secondary level. A Pupil referral Unit (PRU) has been established in October 2005 to cater for the needs of students with severe behavioural problems. Presently there are seven boys in attendance.

**Leisure, recreational and cultural activities**

42. Music and Sports/Physical Education are included in the curriculum at both the primary and secondary levels. Students participate in regular school concerts and sporting events and competitions. In schools a number of clubs have also been introduced and students are encouraged to join depending on their interest.

**CHAPTER VIII: SPECIAL PROTECTION MEASURES****Children in conflict with the law**

43. Generally children in conflict with the law are dealt with under the Juvenile Act if they are less than 16 years old. They are otherwise subjected to the same criminal justice system as adults. The Employment of children is prohibited by the Employment of Women, Young Persons and Children Act, RSA, c E55, the Employment of Children (Restriction) Act, RSA, c E150 and the Education Act, RSA c E25. The provisions of the Drugs (Prevention of Misuse) Act, RSA, c D45 and the Drugs Trafficking Offences Act, RSA, c D50 seek to prevent drug related activities such as possession, importation and sale of drugs. During the second half of 2005, 17 Juveniles were arrested by the police.

44. The Criminal Code, RSA, c C140 deals in detail with sexual offences against minors including but not limited to, unlawful sexual intercourse with minors, prostitution of minors, abduction of minors, permitting defilement of minors on premises, sexual intercourse with dependent children, sexual harassment of minors and detaining minor with intent to have sexual intercourse. The Code makes it mandatory for certain persons, including teachers and doctors, to report cases of suspected sexual abuse of minors.

45. In 2005 there were nineteen juveniles remanded into prison. Five were convicted of a criminal offence and spent an average length of time in custody of two months. In 2006 twelve juveniles were remanded, five were convicted of a criminal offence and spent an average time of four months in custody.

## **BERMUDA**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

#### **Measures to harmonise laws and policies with the convention**

1. It was previously reported that many of the laws were being updated in order to reflect the current philosophy and harmonize with the Convention. The Children Act 1998 is intended to be an umbrella act for all legislation related to children.
2. The Children Amendment Act 2002 aims to abolish the concept of illegitimacy as it applies to children and ensure that all have equal rights to the care and support of both parents by repelling the Illegitimacy Act 1933 and the Affiliation Act 1976. This new legislation endeavours to remove gender discrimination from the law regarding parental rights and responsibilities. The law also recognizes overseas determination of parentage for all children.
3. Prospective parents have experienced difficulty adopting children in Bermuda because of outdated regulations. The Adoption Act 2007 legislation has been passed and revisions to the Rules and Regulations are in process and will be placed before the Legislature in the near future.
4. Bermuda's first Child Abuse Registry is operational. The aim of this registry is to establish a child abuse register that will provide a resource for protecting children from individuals convicted of child abuse having the ability to work with children. Protocols have been established, and resources identified to inform any potential employers with this information.
5. In June 2003, the Government tabled legislation to help improve public education by recruiting parents in the effort. The legislation gives the Minister of Education and Development powers to make rules affecting parents of students. This will mean that parents/guardians of students who do not comply with the identified rules and regulations of schools may be held responsible for their children's actions. The Minister will be empowered to enact penalties for breaching the rules. This regulation aims to provide guidance for those few parents/guardians who, through no fault of their own, might not know what they need to do in order to be involved in the school life of their children. "Courts may also order parenting classes or counselling programmes for parents not complying with the rules".
6. The Bermuda Health Council Act 2004 allowed for the creation of a Health Council to oversee and direct health care in Bermuda. The Council is required to ensure that all residents of Bermuda have appropriate access to optimal, quality healthcare while exercising stewardship of Bermuda's resources. The Council will assist in coordinating, regulating and providing strategic direction for healthcare in Bermuda.
7. The registering of Day Care Providers is provided for in the Children Act 1998. The Day Care Centre Regulations 2001 under the Children Act make provision for the licensing of the premises and certification of the persons in charge and stipulates the child/adult ratio in day care situations to ensure the safety of children and that they have adequate, undivided attention from a responsible adult.

## **CHAPTER II: DEFINITION OF THE CHILD**

8. The Age of Majority Act 2001 lowered Bermuda's official age of majority from 21 to 18. The change arose out of demand from the private sector, public sector realities and attempts to meet the terms of the Convention. Notable exceptions within the new legislation are that the age for marrying without parental consent and for sitting as an MP or Senator remains fixed at 21 years.

9. The age of criminal responsibility in Bermuda is currently 8 years old. The Bermuda Government has noted the concern expressed by the Committee with regards to the low legal age of criminal responsibility and is moving towards a resolution of this issue. The review of the Young Offenders Act (1950) has been completed. In June 2006, recommendations were made to reform the laws pertaining to the handling of young offenders, including the age of criminal responsibility.

10. Effective April 1 2006 smoking in public places has been banned in Bermuda. The new legislation will make it an offence to smoke in bars, restaurants hospitals, hotels, offices, Government buildings and schools across the Island. The new law also bans cigarette vending machines along with tobacco advertising at sporting events and makes it illegal to sell cigarettes to under 18 year olds.

## **CHAPTER III: GENERAL PRINCIPLES**

### **Non-discrimination**

11. The Human Rights Act (1981) protects the rights and freedoms of all human beings lawfully residing in Bermuda's community. As part of the Social Agenda the Government reviewed and amended the Criminal Code (1907) as it relates to sexual assault and related offences. In particular sections were changed as they relate to young people and women. The sentences were greatly increased in some instances. The Human Rights Commission has developed a Human Rights Syllabus that is now available in the two public Senior Secondary Schools in Bermuda.

### **Best interests of the child**

12. Enshrined in legislation is the principle that consideration must be given in all deliberations "to the best interest of the child."

13. The Matrimonial Proceedings Act 1974 is being reviewed as a part of Government's initiative to review all legislation regarding divorce, separation, maintenance and child support.

14. The Affiliation Act (1976) formerly the Illegitimate Children's Act has been repealed and replaced by the Children Amendment Act (2002). Section 2 [2] of the amendment act provides for the abolition of the distinction between legitimate and illegitimate children. This amendment puts Bermuda in the spirit of the Convention as regards equal treatment for all children regardless of their birth status.

15. In 2005 the numbers of screenings done by the Child Development Programme (CDP) decreased significantly due to staffing issues. However, during this time CDP performed 420 screenings on two year old children.

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

16. The Ministry of Education and Development made amendments to the legislation entitled Education Rules Part VI of the Education Rules 2006 that reflects the philosophy of the Convention in that Section 23 (3) states that “every child shall have a right to be heard before any penalty is imposed for an infraction, and at his request, my have a right, if the principal considers the infraction as a major one, to be accompanied by another person during the hearing.”

## **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

### **Name and nationality**

17. Every child has the right to a name and nationality. Under the Immigration and Protection Act 1956 when a child is born in Bermuda to a non-Bermudian parent he/she does not automatically acquire Bermuda status. The nationality of a child is also dependent on the nationality of the non-Bermudian parent. Persons with Bermuda status can have a British Commonwealth Nationality (e.g. one can be a Jamaican but have Bermudian status as per the Immigration and Protection Act (1956).

18. The practice in Bermuda is that as soon as the Registrar General receives a notice in respect of a child born alive he/or she sends a form of notice together with an addressed and stamped or franked cover to a parent or the person who has custody of a child. Where a person receives a form of notice as provided by the Registrar General he/she must complete and sign the form and return it within sixty days of the receipt thereof to the Registrar General at his or her office.

### **Protection of privacy**

19. Under Bermuda’s Constitution, children have the same rights as adults. The Bermuda Constitution Order of 1968 has principles included under Section 1 of the Protection of Fundamental Rights and Freedoms of the Individual. These are the same fundamental principles as laid out in the Declaration of Human Rights.

### **Access to appropriate information**

20. Bermuda is expected to introduce Public Access to Information legislation within the next year. Currently it is the practice that any information that is deemed sensitive or maybe harmful to a child is not released to the general public. In the case of viewing, the Film Control Act (1959) has been amended to focus on the ratings for films that are shown in public in the presence of children.

21. Children in Bermuda have regular access to materials aimed at promoting their overall well-being and development. Information is regularly disseminated through the daily newspaper and includes supplements such as the Young Observer and Youth Net. The activities and accomplishment of young people are usually highlighted in these supplements.

22. The Centre is a community facility that provides programmes that are specifically geared toward Bermuda's youth; sport is included in the Centre's activities. Additionally, there are various local authors who write and disseminate children's books and other materials.

### **Judicial corporal punishment**

23. While Judicial Corporal Punishment has been abolished in Bermuda corporal punishment continues to be legally administered in the schools. This practice has been reinforced by the legislation of the 2006 School Rules - Section 24 (1), (2), (3) and (4).

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **Bermuda Family Council**

24. In 1988 the Task Force on the Status of Women was renamed the Family Council. The Council was established to serve as an advisory board to the Minister of Health and Family Services. It was also established to act as a facilitator to new initiative concerning the Bermudian family.

25. The Family Council is mandated to investigate the institutions supporting all areas of family life from childhood to seniors. It is also mandated to propose recommendations that are solution oriented for specific areas of concern with the objective to strengthen the family.

26. The Family Council is exploring tangible initiatives that will impact positively on families such mediation for family issues as they relate to custody, maintenance payments and visitation and have embarked on an new initiative of shared parenting education.

### **Support to parents**

27. The Children Act 1998 protects children from harm to promote the integrity of the family and to ensure the welfare of children. Because of its legislative mandate the Ministry of Health has taken the lead to provide the structure, resources and training to strengthen families and therefore safeguarding the welfare of children.

28. In 2004, the Ministry of Health and Family Services in an inter-ministry collaboration established a programme entitled Cross Ministry Initiative Team (CMIT). The programme involves the departments of Child and Family Services, Court Services, Financial Assistance and the Bermuda Housing Corporation. This initiative continues to embrace high risk families that are clients of two or more Government service agencies, and to provide a 'safety net'. As a result of the intensive intervention to these families several families have become independent of Government support and are contributing members of the community.

### **Recovery of maintenance for the child**

29. In Bermuda there are three Acts that guide the recovery of maintenance payments. They are the Maintenance Orders (Reciprocal Enforcement) Act 1974, the Affiliation Act 1976 and the Matrimonial Proceedings Magistrates' Courts Act 1974. Since the last report some changes can be seen.

30. The Affiliation Act 1976, a statute that governed policy and practices related to those children who were born to parents who were unwed, has been repealed and replaced by the Children Amendment Act 2000. The new modifications resulted, among other issues, in the removal of the word illegitimate when referring to the child of unwed parents.

31. A multi-disciplinary task force was also established in order to review the issues associated with non-payment. In July 2005 there were 4,363 active cases being administered by the Family Support Office. The collection rate was 52% in 2005.

### **Children deprived of a family environment**

32. We can report new legislation regarding adoptions. The Adoption of Children Act 2006 has been passed. The legislation is now current with international best practice and incorporates the philosophy and principles that are enshrined in the Hague Convention of May 1993 on Protection of Children and Cooperation in respect of Inter-country Adoption.

### **Police and child protection**

33. Between 1999 and 2000 the Juvenile Domestic Crime Unit (JDCU) was established within auspices of the Bermuda Police Service. The focus of this department is to investigate all instances of child abuse, sexual to physical and to investigate selected juvenile delinquency. The JDCU investigates all domestic violence related matters. The JDCU is currently involved with a committee that is seeking to develop legislation that protects children online. It is anticipated that this legislation will be tabled in the House of Assembly in early 2007.

### **Transition programme for vulnerable children**

34. Residential Treatment Services (RTS), a division within the Department of Child and Family Services introduced a Transition Programme to assist in-care adolescents to successfully return to the community. The average stay in care was reported to have been fifteen months. Those adolescents with more severe behavioural problems and who were in overseas placements required longer periods of stay. The average stay for an adolescent overseas was two years. RTS maintained regular contact with its overseas clients and their placement is reviewed every six months. As a part of the treatment process a family member would visit their family member every six months. Adolescents overseas receive a wide array of psychiatric and psychological services at an annually cost of \$2 million.

In efforts of continued quality improvement, Residential Treatment Services has made application for accreditation with the Council on Accreditation, it is anticipated that RTS will have received accreditation at the next reporting period.



## **CHAPTER VI: BASIC HEALTH AND WELFARE**

### **Disabled children**

35. The Bermuda Government aims to improve the quality of life and inclusivity for all of its physically challenged citizens. An early evaluation of the needs of this sector suggested that a “single point of entry” vehicle to the helping services was a priority. To this end, the National Office for the Seniors and the Physically Challenged (NOSPC) was established. The function of the (NOSPC) is to ensure that the Government Services are readily available and accessible to this vulnerable sector of our community.

### **Health and health services**

36. The Government continues to recognize and endeavours to ensure the right of the child to enjoy the highest attainable standard of health. The Ministry of Health and Family Services strives to improve access to high quality facilities for treatment and rehabilitation. Infant Mortality Rates in Bermuda remain low, with 11 cases reported in 2005. The main cause of death is attributed to perinatal conditions.

37. The Department of Health within the Ministry of Health and Family Services seeks to provide the most effective way to prevent transmission of HIV/AIDS infection and to help people who are infected to identify the support, strengths and resources they need to live with the diagnosis. A task force under the direction of the Chief Medical Officer is responsible for the development and implementation of strategic planning for HIV/AIDS prevention, control and management in Bermuda. Education programmes are provided in all schools for teachers and students. The right of both child and family to confidentiality is recognized and protocols are in place for prevention of infection - ‘Universal Precautions’ for blood spills, and injuries to students.

### **Immunisation**

38. Bermuda’s immunization programme administers vaccines for childhood illnesses and other communicable diseases through the Government clinics and school system. In 2005 Bermuda recorded a 90% level of immunisation coverage of children based on the data available, including both private sector and Government administered immunisations.

### **Social security and child care services and facilities**

39. The Children Act 1998 authorizes the Minister of Social Rehabilitation to set regulations guiding child care in Bermuda. The Bermuda Government provides an array of programmes and services aimed at ensuring the provision of quality child care for children in Bermuda under five years of age.

40. The Happy Valley Day Care Centre remains as the only Government child care facility. The facility caters to approximately forty children. Proposals are currently in place to establish additional Government day care centres. In addition to its other services, Happy Valley Day Care Centre has in place a programme that is designed to engage parents’ participation in their children’s education. Parenting classes and peer support programme are now also a part of the services offered at the Happy Valley Day Care Centre.

## **The Child Development Programme**

41. The Department of Financial Assistance offers assistance that supports children and their families. The Department provides financial awards to adults on behalf of children in the areas of rent subsidies; food allowance; transportation, clothing and medical needs. The Department also provides for the cost of nursery and day care services when indicated.

42. The Department of Financial Assistance continues to support individuals and their families. This is facilitated by the Financial Assistance Act 2001. In addition to this Act, the Financial Assistance Regulations 2004 and the Financial Assistance Amendment (No. 2) Regulations 2004 have been established. The introduction of the Regulations now provides for:

- A universal criteria for eligibility for assistance;
- A more timely determination of assistance and easier access to service;
- Simplified application and assessment procedure;
- A single case management system; and
- More equitable caseload for workers.

43. A person must be eighteen years of age or older and be the head of the household in order to apply for Financial Assistance. Children under eighteen and found to be in need would be referred to the Department of Child and Family Services for assistance.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Education, including vocational training and guidance**

44. Thirty six persons (teachers, Education Officers, Ministry staff, the Bermuda Union of Teachers, The Association of School Principals, The Board of Education, The Board of Governors of CedarBridge Academy, the business community and 2 senior school students) met in August 2002 to devise a National Strategic Vision for Education. The group established that the critical issue was to improve student achievement and establish the Government Schools as the first choice for education.

45. The Ministry of Education and Development created a National Strategic approach to teaching Literacy at the primary school level. This initiative was developed with specific targets that were linked to planning, monitoring and evaluation, and therefore setting clear bench-marked expectations.

46. One of the programming highlights was the incorporation of a designated period of 90 minutes each day, to be known as 'Literacy Time'. The Ministry employed a Literacy Strategy Manager and Literacy Coordinators for two years to train teachers and administrators in best practices. This initiative continued at the school sites after its initial 2-year pilot under Ministry leadership.

### **Bermuda Technology Initiative Collaborative (B-TEC)**

47. Since its inception two years in 2003, B-TEC's aim is to open the gateway to a world of information and communications for Bermuda's public school students, their teachers, parents and the community. B-TEC aims to incorporate a full technology plan which exposes students to world class education in technology, have adequate resourcing of all levels of the system, expand teacher technology skills and increase opportunities for students.

48. The curriculum is developed in collaboration with Stanford University and the University of Virginia. The certification available through the B-TEC programme is the ISTE- International Society for Technology Education. An initial investment in the programme as of 2004 was approximately \$9.45 million, spent on site licenses, new science labs, LCD projectors, video conferencing equipment, digital microscopes curriculum development, training and in-service consultation

### **Education reform - Catch the Vision**

49. In September 2006, the Education Ministry held a mass meeting of everyone involved in education to "Catch the Vision" of an improved public education system. The one-day summit, aimed at galvanizing all those working in Bermuda's public education system to engage in constructing a first class public education. The conference is part of a three-year strategy being put together by the Ministry. Catch the Vision will be followed by Share the Vision in 2007 and Live the Vision in 2008. Among the topics to be examined are: restoring confidence in public education, respecting diversity, intentional expectations for the Ministry of Education, relationship building and effective communication.

### **Aims of education**

50. The Educators' Council Act 2002 was introduced to provide for the licensing of principals, teachers and paraprofessionals through the establishment of an independent Council, which will create and maintain a register of licensed teachers.

51. The National Training Board Amendment Act 2002 provides for a revised administrative structure, which will allow the National Training Board (NTB) to increase its compliment of staff and senior officers, thus better equipping it to respond to the needs of Bermudians. To respond to the Government's Social Agenda Policy, the NTB has identified several new initiatives. Eleven new programmes have been created; including a Summer Youth Development Project.

52. Collaboration between the NTB and the Department of Court Services has resulted in a programme entitled "Just in Time". Launched April 2005, the purpose of the programmes is to offer alternative programmes to offenders to promote self-sufficiency, skill-building and employability. Participants will participate in the General Education Diploma (GED) and other technical vocational training.

53. The NTB has achieved significant growth in all categories of training. The enrolment in apprenticeship programmes average one hundred apprentices yearly and as a result the NTB has developed two national training facilities and a third facility at the Bermuda College is pending.

### **Bermuda College**

54. Since the report of 2000, the Bermuda College has formed closer links with main feeder public secondary schools participating in appropriate school based committees and events i.e. Coordination of curriculum materials in mathematics and English Language, Arts and Senior School Mathematics Teachers professional development. This institution has increased the number of articulation agreements with overseas, four year universities to enable Bermuda College graduates more options to transfer their Associate Degree credits to highly ranked North American, Caribbean and UK Institutions.

55. The College has now developed meaningful, relevant and appropriate, skills training programmes in Technology in collaboration with the National Training Board. The College has also strengthened its services to the student by implementing mandatory, and advisory tutoring by individual faculty members. It has begun an initiative that focuses on stakeholder needs by the use business and industry Surveys. Moreover it has developed an internal resource centre which provides support for professional development of its teaching staff.

### **The Bermuda Careers Centre**

56. The Bermuda Careers Centre (BCC) provides current career and education related information to students, parents, counsellors, and jobseekers that will enable them to determine potential career paths, to explore career and educational goals and to take full advantage of employment opportunities. The centre's aim is to ensure that all employment sectors in the community have a pool of well-educated and trained young Bermudians to employ. Services provided by the BCC include career development and planning, interview coaching and employment placement.

### **Further education policies**

57. The Ministry's further education policies continue to grow as a wide range of programmes and funding continue to be offered to Bermuda's youth in an effort to help prepare them to become productive and contributing citizens. For academic year 2006 Awards for further education have increased from \$5,000 each to \$7,000 annually. Also funding for tertiary level education has been increased in value from \$12,500 each to \$25,000.00.

### **Cultural activities**

58. The Government of Bermuda has embarked on a comprehensive initiative that will allow children to develop respect for the national values of their country and to enhance their cultural identity. Bermuda took the stage at the 35th Annual Smithsonian Folk life Festival in June, 2001. The title of Bermuda's submission to this event, staged at the National Mall in Washington, was called "Bermuda Connections".

59. For those Bermudians who could not attend the event, in April 2002, the festival was restaged in Bermuda as part of the Annual Agricultural Exhibition in the Bermuda Botanical Gardens. This coincided with the Bermuda Living Traditions initiative, which is aimed at preserving, reclaiming and reinvigorating local heritage and traditions. An education kit was compiled and distributed to every classroom while the work of 20 researchers, who collected archive materials on everything from boat building, cricket and food, will be put into a Folk life archive.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

### **Children involved with the system of administration of juvenile justice**

60. A multi-disciplinary legislative review subcommittee has been formed to identify pertinent issues related to youth criminal justice and to make recommendations to reform the laws as related to young offenders. Bermuda has also established a National Strategy Committee to counter youth offending. However, in order to deal effectively with children and youth, it is believed that it is essential to have comprehensive assessment and case conferencing. Such programmes as juvenile and family treatment system, community service orders, anger and emotional management, education, vocational and other skill building programmes are envisioned. These interventions will be intended to address issues of offending and the related triggers. Moreover, these measures will assist in preventing or reducing the occurrences of offending or re-offending by children. These programmes are not limited to the child or young person but also to their family and significant others.

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

61. The Government has taken some steps between the two reporting periods to assess the status of children with respect to the child labour practices within the country. State agencies do recognize the need to protect children from economic exploitation and performing any work that is likely to be hazardous. Moreover, the Government intends to protect children from any work that will interfere with a child's education and that which may be harmful to the child's physical, mental, spiritual, moral or social development.

62. A report was produced in 2004 which examined the status of youth employment in Bermuda as to legislative compliance with respect to International Labour Organization stipulations. This report made recommendations to ensure that employment of young people is consistent with youth development.

### **Drug abuse**

63. The Ministry of Social Rehabilitation, through the Department for National Drug Control (DNDC) (formerly the National Drug Commission (NDC)), is committed to the development of healthy communities, free from the negative consequences of uncontrolled substance use, substance abuse and the illicit trafficking of narcotics.

64. In addition, the Bermuda Youth Counselling Service (BYCS) provides treatment to adolescents who are experimenting with tobacco, alcohol and or other drugs, and works closely with schools and other community members that are involved with a similar client base structure.

65. The 2003 school survey that looked at reported consumption patterns among Bermuda's school students showed that lifetime prevalence-of-use rates for alcohol was 58.0%. The prevalence of cigarette use was 25.7%, marijuana 19.7%, inhalants 8.2% and smokeless tobacco 2.5%. These figures represent a downward trend of current use for alcohol, tobacco and marijuana compared to 2000 survey figures.

## **BRITISH VIRGIN ISLANDS**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. The British Virgin Islands has revised some legislations and implemented a range of new legislation specific to children including:

- The Children and Young Persons Act, 2005;
- The Youth Courts Act, 2005;
- Criminal Justice (Alternative Sentencing) Act, 2005;
- The Probation of Offenders (Amendment) Act, 2005;
- The Education Act, 2005; and
- The Criminal Code (Amendment) Act 2007.

2. In 2001 Ministry of Health and Welfare (presently the Ministry of Health and Social Development) established an Intersectoral Social Services Committee (ISSC) which coordinated matters relating to children. The work of the ISSC included the implementation of the Convention. The ISSC was comprised of personnel from the departments of Government involved with work relating to children. Due to personnel changes in some agencies, the work of the ISSC fell dormant. However, the Ministry of Health and Social Development has made plans to re-start and re-constitute the ISSC or like committee to regain momentum on the implementation of the Convention. Part of the work of the new ISSC would include the design, implementation and regulation of a National Plan of Action for Children.

3. The National Child Protection Action Plan sponsored by the UK Government and Department for International Development (DFID) was extended to all the Overseas Territories in 2004. Towards this end, the Ministry of Health and Social Development through the Social Development Department coordinated a workshop for the development a National Child Protection Action Plan. Non-governmental organizations as well as key Government personnel were involved in the Workshop.

4. In 1999, the Government established a Human Rights Reporting Coordinating Committee (HRRCC). Part of the HRRCC's mandate was to monitor the implementation the Convention within national affairs and to advise the Government as to areas of non-compliance. The HRRCC submitted its compliance report in the year 2000 and made various recommendations toward fuller compliance. Due to various shifts in personnel, the work of the HRRCC has fallen dormant. However, plans are presently being made to re-constitute the membership of the HRRCC so that its work may continue.

5. The Government of the British Virgin Islands continues to take / measures to implement and support various child-focused programs. Over the years, the Social Development Department and the HRRCC used the print and audio media and various public campaigns to educated persons at all levels of the community about the Convention, the rights of children and

about issues related to children including abuse and violence. In addition, the Department of Youth Affairs and Sports was established in April 2004 to advance the potential in children and young persons.

6. The report of the British Virgin Islands was prepared in consultation with the various Government Departments responsible for work related to children. The draft report was then made public in an effort to receive comments from all persons including civil society organisations, non-governmental organisations, children and youth groups.

## **CHAPTER II: DEFINITION OF THE CHILD**

7. Under domestic laws, a child is a person under the age of 16 and a young person is a person who has attained the age of 16 years and is under the age of 18 years.

8. The Criminal Code, 1997 of the Virgin Islands is explicit with regard to the immateriality of the consent of a girl under the age of 16 where a man is charged with unlawful intercourse with the girl<sup>6</sup>. Section 125 of the Criminal Code of the Virgin Islands, 1997 speaks of the general sexual offence of indecency with a child of any gender.

9. The Children and Young Persons Act, 2005 repealed the Juvenile Act, Cap 37 of the Laws of the Virgin Islands, Revised Edition, 1991.

10. In addition, the Education Act, 1994 repealed the Education Ordinance, Cap 36 of the Laws of the Virgin Islands, Revised Edition, 1991. Under the Education Act, 1994, the compulsory school age in the British Virgin Islands is from 5 - 16 years of age.

## **CHAPTER III: GENERAL PRINCIPLES**

11. The deaths of children are registered, and, where appropriate, investigated and reported. In the period 2003-2004, there were 2 deaths of young children as a result of result of crime and domestic violence. In both cases the perpetrators of the crimes were punished in accordance with the law and are presently imprisoned.

12. There are a large number of child and youth organizations or associations. An Appendix to the full report of the British Virgin Islands attached to this report exhibits a sample list of such organizations generated from the Department of Youth Affairs and Sports.

## **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

13. A growing number of local radio programmes are aimed specifically at children. For example on Saturday mornings, a call in talk show entitled "Teen Talk" on radio ZBVI features teen discussions of various community issues. Also, on Saturday afternoons on Radio ZKING "Fun with Aunty P" features a call in show where children can answer questions, share jokes, seek prayers or pray, share poems, scriptures and the like.

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<sup>6</sup> Section 118 (2) and 119 of the Criminal Code, 1997.



14. In addition to the district libraries including those on the Sister Islands (Jost Van Dyke, Virgin Gorda and Anegada), there is one mobile library which visits all public schools and some private schools on a schedule. Most public and private schools and the public libraries have a computer lab or other accesses by children to computers.

#### **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

15. The changes to the legislative framework of the British Virgin Islands set out elsewhere in this report have strengthened the framework for supporting children in a family or alternative care environment.

#### **CHAPTER VI: BASIC HEALTH AND WELFARE**

16. The British Virgin Islands maintain a HIV/AIDS preventative and educational program coordinated by the Ministry of Health and Social development. The program has encouraged the HIV testing of all pregnant women. The program also conducts an Annual Youth Summit on HIV/AIDS in collaboration with the Department of Youth Affairs and Sports and the Ministry of Education and Culture.

17. All school age children receive free medical care at various public health facilities. Comprehensive immunization in order to enter school is mandated by the Education Act. Coverage under the Expanded Programme for Immunization is high. In the less than one (1) year age group coverage for BCG, Polio, DPT and MMR was 100% in 2005.

18. The Eslyn Henley School for the disabled/challenged continues to function in the British Virgin Islands under the Ministry of Education and Youth Affairs. Another NGO, the Rotary Club, has adopted the school and it provides ad hoc building or plays ground supplies. First Caribbean International Bank has donated a computer for the school's computer lab. At present, the school caters for 14 children aged 6-18. The children have varied diagnosis including autism, Down's syndrome, speech disabilities, and other mental and physical disabilities, and thus a varied a number of special educational needs.

#### **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

19. In 2004, the British Virgin Islands revised the Education Act. The process included public consultation. The Education Act, 2004 is attached at the Appendix. The Act details the aims of the education system in terms of the following:

- The establishment of a varied, relevant and comprehensive educational system;
- The promotion of the education of the people of the Virgin Islands by the establishment of institutions for the purpose of fostering the spiritual, emotional, cultural, moral, intellectual, physical, social and economic development of the community;
- The framing of an educational policy designed to give effect to the purposes of the Act;

- The effective execution of the educational policy of the Government; and
- The establishment of a coordinated educational system organized in accordance with the Act.

20. The Education Act, 2004 also regulates technical and vocational training and guidance. In 2004, the British Virgin Islands established the Technical and Vocational Institute that provide an alternative method of education to students.

21. In 2006, the Government established a Department of Culture separate and apart from the Department of Education. There are many cultural activities organised by the government for children through out the Territory. For example, November 10 2006 was celebrated as Culture day in most schools. Children had many opportunities to learn about various cultures.

### **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

22. The Children and Young Persons Act 2005 repealed the Juvenile Act, Cap 37 of the Laws of the Virgin Islands, Revised Edition, 1991. It contains new and modern provisions that complement the Criminal Justice (Alternative Sentencing) Act 2005 by taking into account modern day realities of children and young persons within the criminal justice system. The Act therefore essentially provides substantive and procedural measures and protection for children and young persons when they are either perpetrators or victims of crime.

23. The Children and Young Persons Act 2005 makes provision for the prevention of cruelty to and protection of children and young persons. For example, section 4 of the Act places an obligation on various persons who come into contact with children in the course of carrying out their profession or duties, to report any case of abuse, or suspected abuse, of any such child to the police. Similarly, section 6 empowers a police officer or an authorised person to bring before a youth court a child or young person who is in need of care, supervision or protection. The Children and Young Persons Act 2005 also deals with proceedings in the Youth Court and essentially covers areas like the powers of the youth court, the methods of dealing with the young offender and provisions relating to the committal of the young offender to the care of a fit and proper person.

24. Provisions preliminary to the trial of the child or young person are dealt with in Part III of The Children and Young Persons Act 2005. Under this Part matters relating to the separation in police stations of children and young persons from older offenders, bail, trial of a child or young person jointly charged with an older offender, and indictable offences in respect of the child or young person are considered. Parts IV and V of the Act deal with legal provisions and evidence and procedure, respectively, as they relate to children and young persons.

25. The Youth Courts Act 2005 repealed the Juvenile Act, Cap 37 of the Laws of the Virgin Islands, revised edition 1991. The Youth Courts Act 2005 replaces the Juvenile Courts Act, Cap 38 of the laws of the Virgin Islands, Revised edition, 1991. Though there are some significant changes and innovations in the new legislation, the Act, by and large, retains the substantive provisions of the Juvenile Courts Act.

26. The Act is designed to complement the Criminal Justice (Alternative Sentencing) Act 2005 that makes far-reaching provisions in the court's treatment of children and young persons who find themselves in conflict with the criminal justice system. A minor departure from the current law is that the Magistrate will be empowered to select at least one assessor to sit with him and to advise him on the appropriateness of any sentence that may be imposed on a child or young person. Assessors will be chosen from a panel which may include social workers, members of the religious community, education psychologists, school guidance counselors or teachers. The panel of assessors will be nominated by Executive Council. The Act also makes provision for the parents of the child or young person arrested to be notified of the charge and the time and place when the child or young person is to be brought before the court. The parents are required to attend the court and remain in attendance during the proceedings unless the court excuses them. The provision further provides a power of arrest against the parents for a breach of this provision.

27. Further, the Youth Courts Act 2005 provides for a child or young person who is charged with a summary offence to be tried in a youth court (unless he is charged jointly with a person aged eighteen years or over) and section 5 provides for the general public to be excluded from the sittings of a youth court. Section 6 provides for restrictions on the publication and disclosure of the identity of children and young persons who are involved in proceedings before a youth court.

28. The Criminal Justice (Alternative Sentencing) Act 2005 widens the sentencing options available to the courts in dealing with not only children and young persons but with persons aged eighteen years and over. More significantly the Act seeks, through the definition of terms, to focus more on the rehabilitation and reintegration of the offender into society while at the same time holding the offender accountable for his actions.

29. Part I of the Act deals with, among other things, sentencing principles by which the court is guided in determining sentence for an offence, and restrictions on prosecutions. Matters pertaining to the various sentencing options available to the courts in respect of children and young offenders are dealt with under Part II. The establishment by Executive Council of the relevant centers, such as attendance centers, youth custody and training centers and drug rehabilitation and after-care centers, is provided for in section 15 of the Act.

30. Part III of the Act deals with the courts' general sentencing powers in respect of children and young persons. Among other things, this Part deals with short sentences, fines, probation, curfew orders, community service orders and combination orders. Part IV deals with drug rehabilitation and after-care orders while Part V covers the courts' special sentencing powers. Under Part V, a court may, among other things, impose a penalty without recording a conviction, reduce a prescribed minimum penalty or substitute a penalty in some instances. Further, a court may suspend a sentence of youth custody and training or imprisonment and impose a bond requirement in appropriate circumstances. A significant development under Part V is the courts' power to make a parenting order in respect of a person who is a parent or guardian of a child or young person. Part VI deals with miscellaneous provisions. Matters relating to spent convictions, right of appeal and rule-making powers are dealt with under this Part.

31. The Criminal Code (Amendment) Act, 2007 (No. 3 of 2007) which pertains to children was recently passed. This is a significant amendment to our Criminal Code in two respects. Firstly, the participation and interaction with child pornography has now been expressly made an offence under the laws of the Virgin Islands. By section 284A (2), any person who intentionally publishes or is concerned in the publication of, produces or is concerned in the production of child pornography, or has child pornography in his possession, commits an offence and is liable on conviction on indictment to a term of imprisonment not exceeding fourteen years. Prior to the amendment, the Criminal Code made no specific provision for child pornography and therefore certain acts which fell outside existing criminal provisions could not be criminalized as acts of child pornography.

32. Secondly, human trafficking of minors for exploitation, though not common in the British Virgin Islands, is another crime being perpetrated against minors, as well as women. The amendment creates the offence of human trafficking of minors. As such, any person who is concerned with trafficking of minors is liable on indictment to the maximum penalty of imprisonment for life.

## CAYMAN ISLANDS

### CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION

1. Upon ratifying the Convention of the Rights of the Child through the United Kingdom, the government of the Cayman Islands took initial steps to comply with the provisions and principles of the convention by drafting the Children Law, 1995. However, due to technical difficulties in implementing the law, it was repealed and redrafted.
2. In November, 2003, the Cayman Islands legislature passed a new Children Law, 2003. Steps are now being taken to commence the drafting of the regulations to the law and it is expected that the law will come into force in the near future.
3. Over the decades, the Cayman Islands legislature has implemented numerous domestic laws to legally protect the rights and interests of children in Cayman society. This continued commitment is also evident in the periodic review of existing laws to ensure that provisions deemed harmful to children are removed, and that additional statutory protections are included.
4. The domestic laws cover subject areas which include the welfare and safety of children, the preservation of rights and freedoms; offences against children, custody and guardianship, access to appropriate information and health care to name a few.
5. It is expected that once The Children Law, 2003 comes into force, new protective measures will be created. The new law will introduce the role of the Guardian *ad litem*, who will be the child's representative during judicial proceedings. The introduction of the law will also introduce extensive regulatory measures over private homes and other child caring facilities.
6. The establishment of the Family Support Unit, which is a unit within the Royal Cayman Islands Police is a section dedicated to investigating offences that relate to women, children and the family. The officers that run the unit receive special and ongoing training to adequately and properly investigate these crimes. Amendments to the Evidence Law (2005 Revision) also affords child victims with limited protections in the event that they are required to give evidence.
7. The creation of the Human Rights Committee and the establishment of the Office of the Complaints Commissioner are also expected to provide the necessary independent checks and balances to ensure that violations against children are addressed and that government departments who handle children affairs are operating at appropriate standards.
8. Over the years, the Government of the Cayman Islands has approved large budgets to government departments such as the Department of Children and Family Services, The Department of Education and the Department of Youth and Sports to name a few. The funds allocated to these departments are expected to meet the growing social, academic and developmental needs of children in the Cayman Islands. For the financial year 2005 to 2006 the approved budget for The Department of Children and Family Services was CI\$8,065,534. For the financial year 2005 to 2006 the approved budget for the Department of Education was CI\$48,000,01.

9. The Government of the Cayman Islands and private groups have also implemented initiatives to ensure that children in the Cayman Islands are not disadvantaged. Some of these initiatives include the development of the National Parenting Programme by the Department of Children and Family Services, the ongoing education initiative to improve literacy and overall academic achievement in schools and the establishment and support of local mentoring programmes by private groups and members of the community.
10. Programmes such as summer play writing and drama classes at Cayman National Cultural Foundation, the National Festival of The Arts and art workshops at the National Gallery and are some of the private and public initiatives which ensure that children develop culturally.
11. Policy wise, the Ministry of Education has adopted the document entitled the National Consensus of the Future of Education in the Cayman Islands. This document outlines the steps to be taken to produce a 'world class education service' in the Cayman Islands. The Cayman Islands Government and other stakeholders are also in the process of updating the National Youth Policy.
12. As it relates to data gathering, each government department currently gathers its own data. Most departments are able to provide this information in some form. However, due to the fact that there is no existing central database established, data is often time not readily available or is in an easily retrievable form. This has been an area identified by the Cayman Islands Government as one area which required increased coordination.
13. Currently, the Cayman Islands are undergoing a National Assessment of Living Conditions exercise. This assessment follows the outline of a country poverty assessment that is being conducted in conjunction with the Caribbean Development Bank. The Cayman Islands Government normally uses data such as the unemployment rate and the consumer price index to formulate the Strategic Policy Statement, which is a document that guides its financial and economic policies. The findings of the National Assessment will hopefully provide the Government with useful information on what policies would need to be developed and implemented to address any identifiable social and economic concerns.
14. As a British Overseas Territory of the United Kingdom of Great Britain and Northern Ireland, the Cayman Islands are committed to providing the necessary protections to children as envisaged by the United Nations Convention on the Rights of the Child.

## **CHAPTER II: DEFINITION OF THE CHILD**

15. In the Cayman Islands the age of majority of a child is achieved earlier than that stated in the Convention. The definition of "Child" contained in various domestic laws of the Cayman Islands define "child" or "young person" as a child or person under the age of seventeen. This definition features primarily in criminal and care and protection legislation. This means that children who have reached the age of seventeen and have committed a criminal offence are treated as adults and are tried by either the Summary Court or the Grand Court and no longer appear before the Youth Court.

16. Likewise, under the Education Law, the compulsory age for education ceases at age 16. However, most children matriculate at age 17 due to Government adding a year to the education system. The disparity between the difference in definitions of “child” in various legislations does present a problem, particularly in the area of education and rehabilitation of children under the age of 17 and 18. In such instances, the children continue to be under the compulsory care of the courts and other government agencies through wardship, however, the provision for compulsory education does not exist.

17. In the Cayman Islands, the age for sexual consent for both sexes is 16 years of age. The age of criminal responsibility has increased from age 8 to 10 in domestic law. However, the added provision of the law which requires that criminal capacity of a child under the age of fourteen be proved is viewed as an additional safeguard which addresses any concerns regarding the statutory age of criminal capacity. This provision allows the Attorney General who is responsible for prosecution in the islands, the flexibility to examine such cases based on the capacity of each child.

### **CHAPTER III: GENERAL PRINCIPLES**

18. The “best interest of the child” principle is a well established and settled common law principle which has historically been embraced by the judiciary in the Cayman Islands. This principle has been restated in many local custody and care matters and is also applied in international child abduction cases that are heard pursuant to the Hague Convention on the Civil Aspects of International Child Abduction 1981. The “best interest of the child” principle is expressed in the local adoption law legislation and is a predominant theme in the Children Law, 2003. For example, section 24(4) of the Children Law, 2003 requires that before the Department of Children and Family Services can make decisions with respect to a child whom is in its care, or is proposing to look after, it must first ascertain the wishes and feelings of the child and other parties affected by the decision of the department.

19. The Cayman Islands government has taken positive steps to eliminate discrimination against children that have been identified in local legislation. The implementation of the Status of Children Law, 2003 is a tangible example of the legislative decision to remove discrimination against children born outside of wedlock. The implementation of this law has removed the distinction between the rights of legitimate and illegitimate children and has afforded all children equal rights. This has positively impacted the rights of previously disadvantaged children as it relates to citizenship rights and inheritance.

### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

#### **Registration of births**

20. In the Cayman Islands, every child is entitled to a name. In accordance with the Births and Deaths Registration Law (1996 Revision), the birth of every child in the Cayman Islands must be registered. Section 11 of the law requires that the mother or father of a child born alive in the Cayman Islands, register the child’s birth with the General Registry within 42 days of their birth. There are very few if any incidences of parents failing to register the births of their children in the Cayman Islands.

### **Nationality**

21. In accordance with the Immigration Law (2006) Revision, a child born to non Caymanian parents does not automatically acquire the citizenship of the Cayman Islands. However, children born to one or both parents who are Caymanian, irrespective of whether they are born in wedlock in most cases will automatically have a right to be Caymanian.

22. There are very few cases whereby the issue of statelessness of a child occurs in the Cayman Islands. However, in the event statelessness arises, section 20(1)(e) the Immigration Law (2006) Revision provides for the grant of Cayman Status to be granted by the Governor acting on the recommendation of the Permanent Residency and Cayman Status Board and ratified by the Legislative Assembly.

### **Protection of privacy**

23. The Cayman Islands Constitution does not contain a Bill of Rights Charter, although the country is undergoing constitutional reform. However, international best practices are applied by the Government as it relates to children in the media, court appearances and protection of information of children.

24. The coming into force of Freedom of Information legislation in the Cayman Islands has also taken steps to ensure that child related information is protected.

### **Education**

25. The education of children is compulsory in the Cayman Islands. There are no barriers to children receiving education in the Cayman Islands irrespective of their race, religion, sex or ethnic origin. Children of immigrant workers who reside in the Cayman Islands are also required to be placed in school.

### **Freedom of thought, conscience and religion**

26. The Cayman Islands Constitution does not contain a Bill of Rights Charter. However, there is a general respect for freedom of thought, conscience and religion. The Education Law (1999 Revision) Part VI: 20:1-2 and Part VII: 42: 1-2 and Administrative Handbook 1991 Page 18 (6.1) and the Moral and Religious Education Curriculum speak to Article 14 of the convention as these documents outline what is expected of all concerned i.e. parents have the right to request that their child/children be exempted from certain religious activities.

27. Upon the Children Law, 2003 coming into force, freedom of religion will be protected in that while care orders are in force, the Department of Children and Family Services shall not cause any child to be brought up in any religious persuasion other than that in which he or she would have been brought up if the order had not been made.

### **Access to appropriate information**

28. In promoting access to information, the education system of the Cayman Islands has been paying particular attention to the elimination of illiteracy and the promotion of cultural exposure of children. Pupils in the primary education system in the Cayman Islands receive formal



instruction in the teaching of language Arts 10 hours per week. Language Arts embodies subjects such as; Reading, Phonics, Comprehension, Spelling, Handwriting, Vocabulary and Creative Writing. Initiatives such as the national reading week and district library programmes also promote wide access to information by children.

29. There are however, statutory measures which afford the necessary protections to ensure that children are only exposed to appropriate information. Sections 53 and 54 of the Penal Code (2005 Revision) allows the Governor to prohibit the importation of publications that he believes is against public order, hence the importation, sale, distribution or reproduction of any such material is a criminal offence. Likewise, section 156 of the Penal Code (2005 Revision) criminalizes any dealings in obscene publications.

30. The implementation of the Cinematograph Law (1995 Revision) in the Cayman Islands is also another means by which information is checked for its appropriateness before it is disseminated to the wider public.

31. Freedom of Information legislation will also soon come into force in the Cayman Islands. Children who wish to access information through this channel may soon be able to do so.

#### **Right not to be subject to cruel, inhumane or degrading treatment or punishment**

32. The Penal Code (2005 Revision) establishes offences as a protective measure against cruelty to children. Under this law, it is an offence for anyone who has responsibility for a child to wilfully assault, ill-treat, neglect, abandon or expose the child in a manner that would cause him unnecessary harm. The law criminalizes actions and omissions which result in the child being neglected or causes a child's ill health. It is also a criminal offence to make a child carry out inhumane and degrading treatment in the form of begging or receiving alms, or inducing the giving of alms whether there is any pretence of singing, playing, performing, offering anything for sale or otherwise.

33. Although Corporal Punishment in schools is still legally permitted under the Education Law, a policy directive has removed the use of corporal punishment as a means of discipline in schools throughout the islands. The Education Law is currently under review.

34. With respect to corporal punishment at home, there is no legal restriction on carrying out such punishment. However, through various parenting programmes, a greater awareness is being relayed to the public as to what is legally permitted and what constitutes abuse. Parents are also informed of alternative forms of discipline.

35. Cases of physical abuse are generally handled by the Department of Children and Family Services and the Family Support Unit of the Royal Cayman Islands Police. These cases are expedited, with children being removed from harmful environments and are usually subject to counselling.

36. Historically, there are very few if any known cases of torture of children in the Cayman Islands. However, identified torture cases have been handled by the Department of Children and Family Services with the collaboration of the Royal Cayman Islands Police.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

37. Both traditional and non-traditional family structures are present in the Cayman Islands. Parental guidance is not legislated, however, it is expected that parental guidance should be provided by the persons having parental responsibility for the child.

### **Care and custody**

38. In the absence of legislation which deals with joint parental responsibility for children, the United Kingdom common law position applies. The common law position is that both parents have parental responsibility for a child born within the marriage. With respect to children born out of wedlock, the mother has sole parental responsibility for the child. The father however, can also acquire parental responsibility for the child once he is adjudged by a court of law to be the father of the child. When the Children Law, 2003 is brought into force it will put these principles on statutory footing.

### **Parenting programmes**

39. The Cayman Islands Government through the Department of Children and Family Services “DCFS” has also established a number of community programmes aimed at promoting the integrity of the family. Some of these programmes include, The Young Parents Programme and The National Parenting Programme.

40. The National Parenting Programme (NPP) is a joint project, which includes the Department of Children and Family Services, other government departments and other non governmental organizations. The main emphasis of the NPP is to motivate and uplift parents to fill the roles of responsible and accountable parents.

### **Maintenance of children**

41. The Maintenance Law (1996 Revision) allows for the Court to order the financial maintenance of children in cases where there is evidence that the child is not being financially maintained.

### **Housing**

42. The establishment of the National Housing Trust and other low income housing schemes are measures that have been taken by the Cayman Islands Government to ensure that families may remain together and can live at an acceptable level. The remit of the Department of Children and Family Services is also to provide assistance to families to help them re-establish themselves in the community.

### **Temporary or permanent placement of children**

43. The Department of Children and Family Services is responsible for adoption and foster care placements. These placements are made through the courts. The department has implemented specific procedures so that special attention could be given to these cases. The creation of the position of Adoption and Foster Care Coordinator facilitates the placement of children who require temporary or permanent placement.

### **The police and the family**

44. The establishment of the Family Support Unit which is a unit within the Royal Cayman Islands Police is a section dedicated to investigating offences that relate to women, children and the family. The officers that administer the unit receive ongoing training to adequately and properly investigate these crimes. The establishment of this unit allows for special attention to be paid to family related investigations.

45. The recommendation to separate a child from his or her parents is given only in circumstances where the child is at risk and is in need of care and protection or if the child is beyond parental control. The removal of the child from the family home and placement into alternative care is done through an order of either the Youth Court or the Juvenile Court.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

### **Disabled children**

46. Children with physical or mental disabilities in the Cayman Islands have equal opportunity to receive education in the Cayman Islands. The Lighthouse School which is a public school that was established to cater to the specific needs of these children has been in operation for a number of decades. The school accommodates children between the ages of 4 years 9 months to 17 years.

### **Health care in schools**

47. The Ministry of Health & Human Services has responsibility for the oversight and regulation of health care services within the Cayman Islands. The primary objective of the School Health programme is to remove health barriers to learning, by promoting health and wellness for all students as well as facilitating health education for all levels of students. The school health services are made available to all students regardless of race, gender or nationality.

### **Screening**

48. School Entry Screening offers a comprehensive health screening service to children entering year one. This service is extended to all students in both public and private schools. Proof of screening is a requirement for admission to any school in the Cayman Islands. This is given in the form of a Certificate of School Entry Screening signed by the School Health Coordinator and the parent/guardian.

49. All government secondary/high schools in the Cayman Islands have the benefit of a resident school nurse and dental hygienist. This team arranges health assessments for children and screening for problems with hearing, vision, growth, nutrition, speech and general development so that any health problems can be identified early.

### **Immunization**

50. Resident children are immunized against communicable diseases, namely tuberculosis, diphtheria, tetanus whooping cough, poliomyelitis, Haemophilus influenza b infections, hepatitis B, measles, mumps, rubella and chicken pox. The tetanus vaccine programme is carried

out on a continuous basis for all high school children the age of 14 years and over. The aim is for all graduates to leave High School fully immunized. Immunization coverage is in line with World Health Organization (WHO) targets.

### **Nutrition**

51. Breast feeding is encouraged in the Cayman Islands through campaigns that are initiated by the Public Health Department. Breast feeding is encouraged as the optimal source of feeding for infants from birth to 6 months (World Health Organization standard of exclusive breast feeding). The Cayman Islands Hospital complies with many facets of the *Baby Friendly Hospital Initiative* and is working toward certification as a Baby Friendly Hospital.

52. The National Breastfeeding Policy was updated in 2001 to include provisions of the new World Health Organization standard of exclusive breastfeeding. Breastfeeding Awareness Week is annually observed in the Cayman Islands beginning August 1 and is coordinated by the Health Promotions Officer, the Breastfeeding Working Group and Breastfeeding Support Group.

### **Birth weight**

53. Statistics for the last five years (2001 - 2005) show that there were a total of 3,165 live births in the Cayman Islands. The year 2005, 715 live births, saw an increase of 16.8% (103 more births) than the average for previous years (2001 to 2004), 612 live births. 8% or 238 infants of the total live births, all years, were underweight.

### **Mortality rate**

54. There were a total of 24 deaths to children under 5 years old for the period 2001 to 2005; an average of 4 deaths annually. Main causes of death were due to: Extreme pre-maturity (7), Congenital organ abnormality (5), Dysfunction of a diseased brain (2), Neonatal Asphyxia (2), accidental drowning (2), and 1 each to Achondroplasia (growth dysfunction of bones to extremities) Bronchopneumonia, Seizure disorder, Sudden Infant Death Syndrome, Accidental Asphyxia and Motor vehicle accident. Between 1995 and 2004, there have been a total of 437 children born to teenage mothers under the age of 15 years to 19 years.

### **Communicable Diseases**

55. The overall incidence of communicable disease in children remains low in the Cayman Islands. Reports of sexually transmitted infections have been declining since 1998, however, it still remains a cause for concern. Malaria and dengue fever are not endemic to the Cayman Islands. One case of Tuberculosis was reported in 2004. Chicken pox has steadily declined since 1998 with 85 cases reported in 2004 and 33 so far this year. In 2004 there were 310 cases of Influenza reported and as at June 2005, 184 cases.

### **HIV and AIDS in the Cayman Islands**

56. The official response of the Cayman Government to HIV/AIDS is articulated in the *Cayman Islands Government Policy on HIV/AIDS of April 1991*, which states that the Government recognizes that HIV/AIDS is a global problem, and notes that there are medical, ethical, legal, socioeconomic, cultural and psychological implications of HIV/AIDS.

57. A dedicated staff member, namely the STD Coordinator was assigned to the National Programme in 1995. The staff member's role is to organize the services required for HIV/AIDS patients and their families and to generally take measures to increase the awareness of STD's, HIV and AIDS. The STD Coordinator also offers free voluntary counselling and screening. Free medical care and anti retroviral therapy (ART) drugs are available to AIDS/HIV patients. Programmes coordinated by the Cayman AIDS Foundation, the Cayman Islands Red Cross and the Public Health Department provide public awareness to children and young persons on HIV and AIDS.

58. The first case of AIDS in the Cayman Islands was identified in December 1985. The last local case of perinatal transmission was in 1994. There have been 4 persons under the age of 20 diagnosed as HIV positive; one person diagnosed at 19 years old and three cases were the result of perinatal transmission.

59. Strongly convinced of respect for human life and dignity of HIV infected people and people living with AIDS, the Government has committed itself to a number of issues including, the protection human rights and dignity of PLWHA (Persons living with HIV and AIDS) and the population in general and avoid discriminatory action and stigmatization against PLWHA in the provision of services and employment.

60. One of the policies of the National Programme is to ensure that no child with the HIV infection will be deprived of an educational opportunity.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **Free & Compulsory Education**

61. The Education Law provides for free compulsory education for all Caymanian children in the Islands of school age. Non-Caymanian children of school age, who are legally resident in the Cayman Islands, are eligible for admission to government schools but are required to pay a tuition fee ranging from \$250 at the primary school level to \$400 at the upper secondary level.

62. There are 20 primary and 9 secondary schools, some of which are operated by churches or other private organizations. Of this number, Government maintains, entirely at public expense, eleven (11) Primary schools, one (1) Middle/junior high, two (2) Secondary High Schools, one (1) special school for mentally and physically challenged pupils and one (1) Alternative Centre for students with severe behavioural problems in Grand Cayman; and in Cayman Brac. There is also a small Education Centre serving a few pupils in Little Cayman.

63. As at June 2004, there were 6062 pupils enrolled at the government/private primary, specialist, centres and secondary levels, of which 3004 were girls, and the teaching staff totalled 251 at the primary level and 249 at the secondary level.

### **The Schools' Inspectorate**

64. The aim of the Schools' Inspectorate is to contribute to continuous school improvement in the Cayman Islands, through rigorous external evaluations of schools and by providing high quality policy advice and training. Inspectors are guided by the criteria in the Cayman Islands *Handbook for the Self-Evaluation and Inspection of Schools*. This framework for inspection has

been developed from international best practice and adapted to our local context. Each school receives an inspection every four to six years. The inspection identifies the school's strengths and the areas that need to be improved.

### **Education of Disabled Children**

65. The Light House School is the designated public school in the Islands which educates disabled children in the Islands. The school currently utilizes the COACH (Choosing Outcomes, & Accommodations for Children) educational planning tool which is used to identify Individual Long and short term objectives which are used to write and implement student IEPs. The entire process is done on the entry into school, and annual reviews are completed thereafter with monitoring procedures throughout the year.

### **Curriculum**

66. The curriculum offered in government schools is well-balanced covers a wide range of subjects. Educators adapt the curriculum to suit the needs of all students. Differentiated teaching is encouraged to ensure that all students are given equal opportunity to learn. Students who graduate from high schools are awarded a graduation certificate.

### **Access to Scientific & Technical Knowledge**

67. The ITALIC Programme, which was established to utilize information technology for the improvement of teaching and learning in schools in the Cayman Islands, has received a budget allocation of CI\$12 million over the last five years. As a result, every teacher in the government school system has been provided with a laptop computer; there are now significant numbers of computers in all schools; ICT programmes have been implemented to improve literacy and numeracy; and ICT training has been provided for all staff so as to ensure that all staff are ICT literate.

### **School Literacy Initiatives**

68. Most schools, primary, middle and high have a school literacy action plan to address the literacy needs of the school. Individual schools are encouraged to initiate literacy programmes to make students and parents aware of the importance of literacy. Examples of programmes done include: "*Rookie Bookie, Reading - The Key to Success, Just For The Love of Reading and Literacy +2000*".

### **Budget Allocation**

69. Concern over the results of recent statistical research on literacy has prompted the establishment of a Literacy Working Party and the inclusion of a new output in the 2006/7 budget, specifically designed to address literacy. This has been allocated CI\$1.5 million in funding, which will be utilized to, amongst other things, appoint greater numbers of literacy specialists and support assistants.

### **Leisure, Recreation and Cultural Activities**

70. *The National Children's Festival of the Arts*. One of the primary ways in which the Education Department fosters cultural development is through the annual National Children's Festival of the Arts (NCFA).

71. The NCFA is the vehicle through which the creative talents of all government and private school age children in Grand Cayman, Cayman Brac and Little Cayman is displayed. This year over 4000 children participated in vocal music, instrumental music, speech, drama, dance, creative writing, and art & craft.

72. The Festival's Art & Craft Exhibition which is not a competitive and is designed to encourage creativity, expressiveness and personal development.

73. Our annual publication, the Coutts Collection of poems, stories and essays has been sent to the publisher. It is a 122 page book of 45 poems and 20 stories and essays which were prize winners in the Festival's Literary Competition. Interspersed between the pages of the book are 10 pictures of pieces from the 2006 NCFA Art & Craft Exhibition.

### **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

74. The Juvenile system and the Youth Justice system in the Cayman Islands are governed by the Juveniles Law, 1990 and the Youth Justice Law (2004) Revision. These two systems address the care and protection needs of children and the rehabilitation needs of juvenile offenders.

75. The Department of Children and Family Services assigns a social worker to each child that passes through these courts. The foster care needs of children who require care and protection are met through the Department and the rehabilitation needs of some children are met by the CAYS Foundation and other government run homes.

#### **Preservation of Dignity and Worth of Young Offenders**

76. The Royal Cayman Islands Police (RCIPS) has implemented a number of measures to ensure the protection of juveniles' rights as it relates to being treated in a manner that is consistent with the promotion of the child's sense of dignity and worth.

77. The RCIPS has a specialist department that was formulated to handle issues involving juveniles and young persons; this department is known as the Family Support Unit "FSU".

78. Upon receiving a report involving a child the FSU immediately contacts the Department of Children and Family Services to have a social worker assigned to the child and the parents of the child. The social worker is usually involved in all aspects of the investigation/intervention conducted by the Police.

79. Children who have committed criminal offences are subject to the same rules as adults, however, when they are to be interviewed efforts are usually made to ensure that either a parent or guardian is present during the interview process. At times the social worker is the individual who attends with the child due to the lack of parental or family support of the child.

### **Measures taken to Prevent or lower the level of Criminal Conduct of Young Persons**

80. The DARE (Drug Abuse Resistance Education) programme is an initiative of the Royal Cayman Islands Police Services whose primary purpose is to target the youth through camps and awareness programmes on the negative implications of the consumption and consequences of the use of soft and hard drugs.

81. The Royal Cayman Islands Police service (RCIP) implemented the (DARE) Drug Abuse Resistance Education programme in the primary schools of Grand Cayman in January 2000. At present all public and private schools in the Cayman Islands participate in the DARE programme with about 550-600 students graduating each year from the programme. The scope of the DARE programme has also expanded to teaching children about drugs and life skills. At present, the RCIP has allocated 7 officers 6 on Grand Cayman and 1 on Cayman Brac to ensure that all the year 6 students of the Cayman Islands have the opportunity to participate in the programme.

### **Drug Abuse**

82. The National Drug Council has sought to educate the youth through questionnaires and educational awareness campaigns. The NDC compiles data received from the surveys to monitor the incidence of drug use in children as well as their involvement in the production and trafficking of narcotic and psychotropic substances. The NDC has compiled the data according to age, gender, social and ethnic classes. Overall the NDC reports illustrated the changes in drug use between 2000 and 2002. These highlighted the decline in tobacco use among 9<sup>th</sup> and 11<sup>th</sup> graders whilst 11<sup>th</sup> graders showed an increase in alcohol use. Heavy drinking increased amongst 10<sup>th</sup> graders and ganja use increased amongst the total sample and amongst males and 11<sup>th</sup> graders. Gender difference occurred for ganja and heavy drinking; with males reporting a higher rate of use than females.



## **FALKLAND ISLANDS**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. A Children and Young People's Strategy Group ("CYPSG") has been formed to champion and be an advocate for the rights of children in compliance with the Convention. With regular monthly meetings, there is an expectation that the CYPSG monitors progress and outcomes and reports on a regular basis to the Executive Council.
2. Steps have been taken to bring the Convention to the attention of the wider community. The Girl Guides have recently held a residential weekend which focused on looking at Children and Young People's rights and responsibilities. They have been working towards new badges exploring the rights of individuals. The first meeting of voluntary and community group leaders, who work with and for young people, including uniformed groups, has been held and the UNCRC has been brought to their attention and avenues of discussion as to the part they can play have been opened. A Children and Young People's Awareness week is planned for November 2006, when the fundamental rights of children will be given a high profile and their place within the CRC explained.
3. In 2005 a review of existing child care provision was carried out, with the support of Shackleton Scholarship funding. The outcome of that review was a set of written recommendations indicating where improvements could be made. These included regulation of child minding, legislation relating to adoption and regulation of nursery provision.
4. In order to gain a realistic assessment of the legislative basis and progress made in respect of compliance with the Convention, the Falkland Islands Government has accepted an offer by the NCH to review all of the legislation pertaining to children with a view to advising on to what extent it is UNCRC compliant. All new legislation will be checked by the Attorney General to ensure that it is UNCRC and Human Rights compliant, as well as being compliant with the written constitution of the Falkland Islands.
5. The Falkland Islands does not have a formally constituted Human Rights Committee. This is a matter which will be raised for discussion and consideration with the Executive Council of the Islands. The European Convention on Human Rights has not been incorporated into Falkland Islands law, and the Human Rights Act 1998 has not been applied to, nor been replicated in, the Falkland Islands.
6. The Administration of Justice (Amendment) Ordinance 1998 included an important amendment to the Administration of Justice Ordinance, by replacing s.47 (2) to state, amongst other things, that there shall be no limitation on the time within which a prosecution may be commenced for any sexual offence committed upon or in relation to a person aged under 16 at the time of the offence. Prior to this amendment such sexual offences committed on those under 16 were strictly time limited, which hindered the prosecution of a number of offenders.
7. Reservations by the United Kingdom of Great Britain relating to Articles 32 and 37c remain in place for the Falkland Islands. Militating against those reservations there is legislation in force in the Falkland Islands which governs child labour. The law is contained in the

Employment of Children Ordinance 1966, as amended in 1968, 1985 and 2006. In respect of Article 37 (c), the current position has changed little since the previous report, but progress is now envisaged with budgetary provision being made for improvements.

8. Stanley Prison, housed in the Stanley Police Station, is governed by the Prison Ordinance 1966. The Ordinance provides for the segregation of male and female prisoners, prisoners under the age of seventeen years from prisoners over that age, criminal and trial prisoners from civil prisoners, trial prisoners from convicted prisoners and any other such class may be separated into such divisions as may be prescribed. The present prison has a female cell on the first floor of the prison totally separating it from the main cell area, on the ground floor. This cell has been designated a Young Offenders Institute. It is a self-contained cell with toilet and wash-basin facilities and is connected by a call button to the Police control desk.

9. Since 1996, only two custodial sentences have been imposed upon under 18 year olds following prosecution of children. The NGO NCH have carried out an assessment of the system and practices which are prevalent in the Falkland Islands. From this was devised an Action Plan which detailed the steps which need to be taken to make further progress towards full compliance with the Convention.

10. Despite the existence of the Family Law Bill and the Children Ordinance 1994, there currently exists no legislation regulating fostering, child minding or the provision of early years, either as to the persons undertaking such activities or the premises in which they may be undertaken.

11. Part 1 of the Sexual Offences Act 2003, creates a framework of sexual offences, setting out new categories of offences involving abuse of trust, care workers and people trafficking, amongst others. The protection of children is one of the primary objectives of the Act. Children under the age of 13 will not be capable in law of giving consent to any form of sexual activity. Developments in technology and the Internet are also dealt with.

12. The Finance Ordinance 2005 amended the Family Allowances Ordinance to state that family allowance is no longer payable to a person who does not hold a permanent residence permit or Falkland Islands Status, except where the child in question does have Falkland Islands Status. The rate of child allowance is now £53.50 per month (from the 1<sup>st</sup> January 2003) but additional single parent's allowance has been abolished since the last report.

13. Changes in the Criminal Justice Ordinance provide that no court shall pass a sentence of imprisonment on a person under 21 years of age or commit such a person to prison for any reason (other than on remand in custody or committed in custody for trial or sentence). To be sentenced to a Young Offender Institution a male must be under 21, and at least 14, and a female must be under 21 and at least 15. It is currently proposed that the difference between genders be eliminated by legislative amendment.

14. The Sexual Offences Act 2003, as applied to the Islands by the Sexual Offences Ordinance 2005, makes the age of consent for both heterosexual and homosexual sex 16 years of age.

15. Of major significance is the new Criminal Justice (Evidence) Ordinance 2000. This is an important Ordinance amending the law relating to the giving of evidence. It includes special measures for vulnerable and intimidated witnesses. Children under the age of 17, amongst others, are eligible for the assistance the Ordinance provides.

## **CHAPTER II: DEFINITION OF THE CHILD**

16. For the purposes of this report the definition of “child” remains unchanged from the initial report. That is, it is used to denote a person under the age of 18 years (that is to say any person who is not an adult).

17. Previously, in respect of corporal punishment boys were treated differently from girls, in that it was unlawful for a child under 11 to be corporally punished but that such punishment for a child over 11 would be lawful in the circumstances stated therein. The Education (Amendment) Ordinance 2002 made corporal punishment of any pupil at any school in the Falkland Islands unlawful.

18. The Employment of Children Ordinance 1966, amended in 1968, 1985 and 2006, provides protection for children from working in hazardous conditions.

19. The Criminal Law (Miscellaneous Provisions) Ordinance 2003 made various amendments to the Crimes Ordinance and the Criminal Justice Ordinance. Prior to this, it was presumed that a child over 10 years of age was incapable of committing a criminal offence, but this presumption was capable of being rebutted. Now there is no such presumption to rebut.

## **CHAPTER III: GENERAL PRINCIPLES**

20. The policy of the Falkland Islands Government that the best interests of the child shall be of primary importance remains as cited in the initial report. The Children Ordinance 1994 persists as the legislative instrument.

21. In 1996 the Falkland Islands Government implemented legislation to ensure the wearing of seat belts by all children carried in motor vehicles.

22. The best interests of the child are integral to the work of the Social Work Department. Through the processes of initial assessment and case planning, reviews and care proceedings the child’s interests remain paramount. Staff in both the Social Work Department and the Royal Falkland Islands Police Force have undergone “Achieving Best Evidence” interview training. This training equips relevant staff to undertake sensitive interviews utilising a process which keeps central the best interests of the child throughout the whole of the required processes.

23. As the Islands have a small population of approximately 3000 there are limited health resources. The limitations are not only related to cost but also with the skills required to work in an island environment. Therefore no resident obstetrician or neonatology team are present on the Islands. The health visitor, who is UK trained and registered, is the trained health carer for children.

24. Demonstrating respect for the views of the child is a developing concept. A Young People’s Working Group was set up in July 2005. The Group undertook a survey which involved

all children in the Islands aged 9 and over. Within the Education Department there are various forums through which children are able to express their views and opinions. The secondary school has a school council which gives senior school members the opportunity to give feedback to the Education Department. The Infant/Junior school also has a school council.

25. There are, however, omissions in provision for some groups. For children whose first language is not English, the systems in place to support learning of English as a Second Language is underdeveloped. Thus the opportunity for them to express themselves, their views and opinions is limited. Steps are being taken to rectify this. The Infant/Junior school has recently engaged a member of staff who is bi-lingual and a programme of support for Spanish speaking children is being formulated.

26. Progress has been made in catering for children with Special Educational Needs but as yet this is not embedded into the education system and is addressed on an ad hoc basis dependent upon the required needs at any one time. Specialist support from the United Kingdom is made available for assessment of needs and also regular visits by an Educational Psychologist support the development of individual learning plans. The Health Visitor and Social Services Team work closely with children who are identified as having special needs at an early age and involve other professionals as necessary.

27. In the Falkland Islands no child is subject to the death penalty. Section 2 (i) of the Falkland Islands Constitution specifically prohibits the imposition of the death penalty.

28. For as long as records have been kept there have been no recorded suicides amongst children and young people.

29. During 2005, 327 Chlamydia tests were carried out in the Falkland Islands. This includes those which were routinely administered in conjunction with cervical smears. 29 results of these tests were positive but none of these related to the 18 and under age range. Also carried out during the year were 42 syphilis tests, 76 HIV tests and 60 Hepatitis B tests all of which were negative (c.f. Section VI).

30. In 2005, the Social Work Team received 20 child protection referrals and 34 referrals for children in need. 8 children were on the child protection register in 2005 due to assessed risk of emotional/physical harm, neglect or sexual abuse.

#### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

31. The period of registration for new born babies in the Falkland Islands has been reduced from 6 weeks and all babies born are now required to be registered within 10 days of their birth.

32. As recorded in the previous report, there is no fundamental right of privacy afforded through the Constitution. Unlike the United Kingdom there is no data protection legislation in force in the Falkland Islands. There is also no Freedom of Information legislation in force in the Falkland Islands, except the committees' Access to Information Ordinance. However, as a matter of policy Government Departments act in accordance with the Freedom of Information Code which preceded the Freedom of Information Act in the United Kingdom.

33. The right to administer corporal punishment to boys over the age of 11 with parental consent has been abolished, and to inflict corporal punishment on a child is now unlawful.

34. There is no Minimum Wage legislation in the Falkland Islands and therefore there is no minimum wage data on people claiming social welfare benefits or those who are engaged on the employment programme. As a consequence there are no accepted measurements of poverty. What is apparent is that the numbers of people, including young adults seeking support through the employment programme and social welfare payments, are increasing.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

35. Considerable progress has been made to raise the profile of good parenting and the benefits this has for the development of the child. Health, Social Services and Education Departments all play a part in this progress. Antenatal classes and good parenting courses are provided through the Health and Social Services Department. Child Development GCSE and a local certificate for “How to be an Effective Babysitter” are offered at the secondary school.

36. A policy decision was taken no longer to provide long-term residential provision for children and young people in the Falkland Islands. There is however provision for emergency residential placements and foster placements (respite, short term and emergency). The care plans for children who are looked after away from home or have respite care are conducted in line with UK guidance. Children and young people’s views are integral to the process.

37. For adoption various provisions of the English Adoption and Children Act 2002 are applied to the Falkland Islands, subject to general modifications, by virtue of the Interpretation and General Clauses Ordinance 1977. As a matter of good practice, adoption is a measure of last resort, and it is the intention to present an Adoption Bill to Executive Council for the Falkland Islands, to ensure clarity as to what provisions are in force.

38. From the start of life, the midwives provide caseload management so that most pregnant women are cared for by one midwife throughout their pregnancy and labour. The small community brings the added benefit that all the women concerned will know all the midwives.

39. A Child Protection Register is maintained. A designated Police Sergeant is the custodian of the Register. Child protection training “Safeguarding Children” is undertaken annually, supported by the Falkland Islands Government and is available for all members of the community. Child Protection awareness training is included in government induction programmes.

40. There is no formal system for recovery of maintenance on behalf of a lone parent i.e. there is no system in place similar to that of the Child Support Agency in the UK. If a single parent with a child is applying for welfare benefits there is an expectation that he/she will make every attempt to recover maintenance payments from the absent partner.

41. A system of welfare benefits does exist and the policy which is applied follows the United Kingdom policy. However, there is no statutory right to welfare benefit in the event of unemployment.

42. On 1<sup>st</sup> March 1997 the Child Abduction and Custody (Falkland Islands) Order 1996 came into force. The Order provides that the provisions of the Convention on the Civil Aspects of International Child Abduction and the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on the Restoration of Custody of Children, as set out in the Order shall, with modifications, have the force of law in the Falkland Islands.

43. At present there are no regulations for childminders or nursery education. An independent expert visited the Islands at the beginning of 2006 and has made recommendations to Executive Council with regard to early years service provision.

44. The Human Resources Department of the Falkland Islands Government requires enhanced vetting clearance for those persons employed by the Falkland Islands Government who will be working, or whose work will bring them into contact, with children.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

45. The King Edward VII Memorial Hospital (“KEMH”) in Stanley remains the main focus for health services for the Falkland Islands. This means that primary care, secondary care, emergency care, pharmacy and dentistry are all based in the same building. Visits by specialists increase the range of services available to the population on a regular basis. Emergency health services within Stanley are provided by a casualty nurse who is on call, outside of routine working hours. There is an on-call GP available who will respond as requested. For more remote locations, the RAF can be requested to respond with a Search and Rescue helicopter. The Falkland Islands has established links to secondary and tertiary services in both UK and Chile. Health services are generally supplied free of charge at the point of provision to all people who fulfil the required criteria: that is Falkland Islanders, people with a Permanent Residence Permit and anyone with a work permit of more than 6 months and their families.

46. Immunisation programmes are comprehensive and since 2000 only one child from the local population has not completed the course of immunisation provided. In this case the booster MMR was refused by the child’s parents.

47. In Stanley, as a rule, domiciliary visits are made by a Government employed midwife up until the child reaches six weeks of age. Thereafter, if it appears necessary, home visits are made by a Health Visitor. Particular care is taken with those children who appear on the “At Risk” register. Developmental checks are maintained on all children at 6 weeks, 8 months and prior to starting school. Hearing is checked at 8 months with the Distraction Test by the Health Visitor.

48. All school children have their sight screened regularly by a Health Visitor and/or ophthalmic trained nurse. Specialist testing is carried out during the regular visit of a specialist optician. Spectacles (with a price limit on the frames) are provided free of charge to children in full time education.

49. All schoolchildren have their oral health checked by a dentist on an annual basis.

50. In both the primary and secondary schools there is a very active Personal, Social and Health Education programme. This is supported by the health service whenever they are invited to attend. This includes discussion on the responsibilities of the adolescent and talks about

sexually transmitted diseases and it is through this aspect that HIV/AIDS awareness is raised. Circle time in the primary sector encourages pupils to discuss issues which are a cause of anxiety and worry and therefore promotes emotional health and well being.

51. Although there is an inadequacy in the legal framework with regard to children with disabilities, their needs have always been met following consideration on a case by case basis. Where children come into the education system, either through immigration, as the children of contract workers, or are children with Falkland Islands Status, resources and staffing are sought to meet their specific and individual needs. A system of accredited training is being developed to create a pool of suitably qualified staff to meet adequately the needs of such children in the future.

52. Multi-agency departmental working is developing well and regular core group meetings are held to discuss and plan services for individual children.

53. A group, run by parents with the assistance of the Social Services Team, provides a support service for parents whose children have additional needs. This has been in existence for eighteen months. This is additional to the support afforded to parents with children who exhibit Autistic Spectrum Disorders.

54. Carer assessments are undertaken and attendance allowance is available to support families where additional care is required.

55. Links are made with various specialists who visit the Islands periodically from the United Kingdom, to assess individual children and provide a consultancy service to professionals and families where appropriate. The professionals include obstetrician/gynaecologist, paediatrician, occupational and speech therapists, educational psychologists, developmental psychologists, and professional educationalists who specialise in supporting children with special educational needs both in mainstream and specialist provision.

56. In the last 12 months, a day care services has been established for children and young adults with additional needs.

57. Breastfeeding is promoted within the Falkland Islands with close midwifery contact with expectant and new mothers and good access to health visitor support. While the number of women starting to breast feed is relatively stable there is a noticeable fall off at 6 weeks. This does not appear to be through lack of encouragement or support but may be due to an early return to work by mothers with financial pressures.

58. Child benefit of £53 per child is available for all children where the parents/carers have Falkland Islands Status, but it is not available for the children of "contract workers".

59. A parent and baby/toddler group, Jelly Tots, meets twice a week in the church hall. The committee members are volunteers. The Health Visitor and Physiotherapist regularly attend this group and meet informally with parents.

60. The Leisure Centre provides free swimming sessions for children and an accompanying adult. There is one charity and one independent provider who provide day care for pre-school children. They both provide before and after school clubs for school age children and supervise lunch times.

61. The Royal Falkland Islands Police delivers, through a fully trained and affiliated officer, the Drugs Awareness Resistance Education, ("DARE"), programme at primary school level at year four and year six.

62. Contraception is available free of charge at the point of provision. Children under 16 and over 14 can be prescribed contraception if considered to be competent to consent. Children under 14 require the permission of their parent or guardian. In 2005, 29% of 15 year old and 63% of 16 year old girls were taking the contraceptive pill, suggesting that they may be sexually active.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

63. Fundamentally, the school organisation of the Falkland Islands remains as described in the initial report. That is the Infant/Junior School ("IJS"), the Falkland Islands Community School ("FICS") and the Camp Education Service. The National Curriculum delivered remains in line with that of England.

64. Currently there are 230 pupils on roll in IJS, 173 on roll in FICS but the most significant change is that whereas there were 45 children being educated through the Camp Education Service, presently there are only 22, of which 4 are of secondary age, the remainder being in the primary phase of their education.

65. Accordingly, the number of staff have reduced to 5 in total, and the number of settlement schools has been reduced as currently they are not required.

66. Commentary arising from the last report pointed to the underachievement of boys in the Falkland Islands. The latest census report in 2001 indicated that secondary school qualifications, such as GCSE, had risen by 39% since 1996 and vocational qualifications had risen by 31% as a result of the strong educational drive by the Government and the Falkland Islands Development Corporation. The latest statistical data for Key Stage 2 Standard Assessment Tests ("SATs"), (c.f. para. 389) from IJS indicates that the gap in attainment between boys and girls has been reducing steadily, although there remains room for improvement especially in English.

67. The majority of students from the Falkland Islands access post-16 education through United Kingdom Further and Higher Education establishments.

68. The Education Ordinance remains the main legislative document governing the education service. Two major amendments have been made to that Ordinance. Firstly, the age parameters of statutory school provision were changed from compulsory education at 5 years of age to 15 years of age to compulsory education from 5 years of age, with the upper compulsory limit being 16 years of age. This brought the compulsory schooling into line with United Kingdom provision.



69. The second major change was the Education (Amendment) Ordinance 2004 which provided for changes in the academic year. This altered the fundamental pattern of the school year to align more closely with the academic year structure which is widespread in the Northern Hemisphere, in essence the English school year.

70. A partnership arrangement has been entered into with Chichester College of Further Education which seeks to establish a post-16 outreach provision from the College in the Islands. This will enable all students to have access to Further Education should they wish to pursue further study.

71. Allied to this, it is apparent that the GCSE route, the only route currently available to students, does not suit the talents and aptitudes of all the students as a way of maximising their learning potential. Plans are therefore in hand to offer alternative pathways to accreditation at 16 through vocational studies from 14 years of age.

72. Changes with regard to the provision for those pupils who have Special Education Needs ("SEN") are also in place. In September 2006, a pilot project is taking place to create an inclusive Learner Support Unit for all children who have SEN. The primary aim of the Learner Support Unit is to address the presenting difficulty as quickly as possible and where appropriate re-integrate the children back into mainstream provision. For some children, where the difficulties are acute, it is envisaged that the support and security of the Unit may be required throughout their school career.

73. Two innovations in curriculum provision are the introduction of Careers and Citizenship programmes. The former allows children to investigate a variety of career options and investigate the required qualifications to access that form of employment. The latter enables the development of a knowledge and skills base related to good citizenship with a particular focus on the history and culture of the Falkland Islands.

74. Over the last twelve months the IJS has developed a genuine extended school ethos. It is truly a school at the heart of its community. It practices an open door policy and genuinely welcomes parents and friends of the school to participate in school and after school activities. Parents have formed a Parents' Association, whose aim is to increase the range of learning resources which are available to support the children's learning. The range of after school activities has increased tremendously and children are now able to access activities such as music groups, ballet, homework clubs and short tennis plus many more as after school activities. It is intended that this ethos and style of provision will be available to secondary age pupils in the near future.

75. There is now a need to consider specific support to children for whom English is a Second Language in order that they can access the given curriculum and not be disadvantaged as a consequence of language barriers. This requirement is applicable to both schools in the Falkland Islands. First steps have been taken in IJS to provide intensive support to such pupils. Recent SATs analysis shows that this provision is effective in that these children are in fact maintaining progress or even, in some instances, attaining higher than their English speaking counterparts. This provision, formally provided on a somewhat ad hoc basis, will be regularised in FICS in September 2006.

76. Through the Training Unit of the Education Department the accessibility of NVQ accreditation has been open up to not only children and young people but also the community as a whole. Accreditation up to Level 3 is now available locally in a range and increasing number of subjects.

77. The Leisure Centre, adjacent to and an integral part of the FICS curriculum provision for physical education, remains a high profile provision in Stanley. The facilities continue to be well used and a change in membership criteria, with the introduction of cardio-vascular equipment in a gymnasium, has done much to increase the overall take-up of physical exercise as a leisure pursuit.

78. There is a strong tradition of live music in the Falkland Islands and children and young people are heavily engaged in this activity both in events linked to the school and in other community activities. The standard of music teaching and engagement is exceptionally high.

79. The Falkland Islands Defence Force (“FIDF”) and the Shooting Clubs provide an outlet for recreational pursuits for older children. The minimum age for joining the FIDF remains at 17 (FIDF Ordinance 1991) and there are no plans to increase this age.

80. For the size of the community there are a considerable number of clubs and activities which are available to young people and children. The full range of uniformed groups continues to attract children to their membership together with other activities such as the Junior League Darts which has proved very popular. A full list of clubs is detailed in Appendix 25.

81. The equivalent of Youth Club facilities are provided in Government sponsored accommodation known as “The Shack”. This is a facility which is available to young people, the early session being for pre-teens and the later session until 9.00 pm being for teenage children.

82. Permanent exclusion from school is not contemplated in the Falkland Islands as there is no provision, other than the schools, at which children could access their entitlement to education. Where children are experiencing difficulties in accessing their entitlement through the mainstream provision, the newly instituted Learner Support Unit is designed to meet those needs.

83. Regular visits from Educational Psychologists and Assessment specialists ensure that the needs, requirements and progress of pupils with SEN are met.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

84. Given the unpredictability of the environment in the Falkland Islands and the difficulty in detecting the specific mines laid during the 1982 conflict, landmine clearance in the Falkland Islands is particularly hazardous and presents significant technical challenges and risks. Since August 1982 the minefields have been clearly marked and have very little impact on the local community. When landmines do surface they are cleared by the Explosive Ordnance Disposal teams based on the Islands as part of their duties. These teams also give regular briefings to local groups, in particular youth groups and school pupils, to ensure that from a very early age children are aware of the dangers that landmines present, and what actions they should take should they encounter one.

85. It remains the case, as cited in the previous reports, that since 1996 there have been no refugees and/or illegal immigrants to the Falkland Islands.
86. With regard to armed conflict, the small Falkland Islands Defence Force (“FIDF”) remains in existence. This is governed by the FIDF Ordinance 1991. The minimum age for joining is 17 and there are no plans to amend this.
87. For the most part the facts reported in the previous submission remain in place. When children are in conflict with the law there is no substantial change in the law and policies in this area from that last reported. There do not exist, in the Falkland Islands, youth panels or any other alternatives to prosecution for children and young adults, apart from criminal cautions. The Code of Practice for Prosecutors paras. 8.8 & 8.9 states that Crown Prosecutors must consider the interests of a youth when deciding whether it is in the public interest to prosecute, and that the seriousness of the offence and the youth’s past are very important considerations to be taken into account.
88. There is no apparent drug abuse amongst children other than alcohol and tobacco. The Royal Falkland Islands Police together with the Customs Department work closely in preventing the import of drugs.
89. Further steps have been taken to prevent children from sexual exploitation and sexual abuse. A Multi Agency Public Protection Group (“MAPPA”) has been established to monitor and undertake initial risk assessments of violent and dangerous persons and sexual offenders in the community.
90. A Consultant Psychiatrist specialising in the assessment and treatment of sex offenders visits the Island twice a year to assist in the planning for these individuals. Funding has been agreed in the 2006/07 training budget for professional HR20 training which will equip members of the MAPPA group and other significant community professionals to undertake risk assessments of convicted and non-convicted individuals.
91. There are no homeless children or young adults in the Falkland Islands. Many young adults continue to live at home or within their extended family circumstances. Extended family support is considerable within the Islands.
92. Training for professionals within the legal and justice systems has been limited, sporadic and fragmented. The funding for professional training is somewhat limited and thus, training is focussed more on individual research and case law rather than specifically focussed inputs. Training for social workers has been more systematic and inputs from NCH and representatives of the United Nations have ensured that all social workers are conversant with the requirements of the Convention.

## **MONTSERRAT**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. The partial withdrawal of the reservations by the United Kingdom cannot be extended to Montserrat, until further adjustments to the legislative framework are made. Two new pieces of legislation with implications for the Rights of the Child have been enacted. These are the Education Act 2004 and a Family (Protection against Domestic Violence Act) (Cap. 5.05).
2. Draft Child Welfare and Protection, Status of Children, Adoption, Family Court, Juvenile Justice and Domestic Violence Bills have been prepared and are being reviewed by the Legal Department. Some level of law reform has been undertaken; the classifications of legitimate and illegitimate children, has been removed under the Registration of Births and Deaths Act (Cap. 6.13).
3. There is at present no National Action Plan on Child Protection in place but one is being formulated and it is expected to be implemented in 2007.
4. The evacuation plan of Disaster Management Co-ordination Agency (DMCA) includes children as part of the family. A key aim under this plan is to ensure that during evacuations no children are separated from their families.
5. Community groups and church groups still support and promote the development of children. Two new groups have been recently established, the Montserrat Early Childhood Association (MECA) and the Parent Education Group (PEG).
6. A Human Rights Reporting Committee (HRRC) has been established and currently all Human Rights issues come under its remit. The HRRC is comprised of representatives from pertinent Public and Private Sector Agencies. Its main purpose is to prepare the reports required under each convention and make them available for public consultation.

### **CHAPTER II: DEFINITION OF THE CHILD**

7. The Education Act 2004 has changed the maximum compulsory school age to sixteen years, and provides for early childhood education to children from the age of 1 year.
8. The proposed Juvenile Justice Bill would change the definition of Juvenile from a person under the age of 14 to a person under the age of 18 years of age.
9. The Juvenile Justice Bill would also change the age of responsibility from age ten, [under the Penal Code (Cap. 4.02)], to twelve years of age. If however a child under the age of 14 commits an offence, the Crown must prove beyond reasonable doubt the child had the requisite criminal capacity.

### **CHAPTER III: GENERAL PRINCIPLES**

10. Section 36 of the Constitution expressly prohibits discrimination, and the Laws of Montserrat which relate to children and the services provided for children by the Government apply for the most part without discrimination.

11. Children of non-nationals pay for some health services, which are provided free for children of nationals.

12. The Education Act 2004 provides that no child who is eligible for admission to school should be denied such admission on discriminatory grounds. By virtue of this provision teenage mothers are now permitted to return to school.

#### **Best Interest of the child**

13. There has been no change to this requirement under the provisions of the Juvenile Act, Guardianship of Infants Act, and the Adoption of Children Act. The best interest of the child is also a consideration of the Court when granting tenancy and occupation orders under the Family (Protection against Domestic Violence) Act (Cap. 5.05).

#### **Respect for the Views of the Child**

14. A vibrant Youth Parliament on Montserrat is comprised of members who are democratically elected by the youth of Montserrat. At present the Youth Parliament interacts informally with the members of the Parliament, but plans are in place to develop mechanisms through which the Youth Parliament can participate directly in the policy making of the Government of Montserrat.

### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

#### **Name and Nationality**

15. All children are registered under the provisions of the Registration of Births and Death Act (Cap. 6.13) within 21 days after birth.

16. Children born in Montserrat receive British Overseas Territory Citizenship in accordance with the provisions of the British Nationality Act 1981 as amended.

#### **Access to appropriate information**

17. All children in Montserrat have access to the services provided by the Public Library. The Library also provides a mobile service. It visits all the primary schools once a week. Some primary schools have their own library.

18. Television transmission from the local TV station and cable services are provided island wide. Through Cable TV services children have access to a wide range of programmes with instructional, educational and entertainment value. Internet Access and worldwide email is popularly received by all sections of the community. The primary schools have computers available for use by the students. The Secondary School has two computer labs and the Community College also has computer labs.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **Parental guidance and Responsibility**

19. Under the Education Act 2004, parents are responsible for ensuring that their children of compulsory school age attend school. Failure to do so may result in the parent being liable, upon summary conviction, to a fine.

20. There are no formal policies on Parenting, but community groups such as the Parent Education Group seek to enhance parenting skills through educational programmes, and The Montserrat Early Childhood Association (MECA) educates parents on the importance of early childhood stimulation and education to the total development of the child.

### **Domestic Violence**

21. New domestic violence legislation has been enacted. The Royal Montserrat Police Force has developed a Domestic Violence Hotline. A Family Centre has been established where a Community Beat Police Officer and a Community Development Officer provide assistance to the victims of Domestic Violence.

### **Punishment**

22. The Education Act 2004 provides that in the enforcement of discipline degrading or injurious punishment must not be administered. Under the Act corporal punishment can be administered but only in circumstances where no other punishment is considered suitable. Corporal punishment can only be administered by the principal, vice principal or a teacher appointed for that purpose and must be administered in accordance with strict guidelines.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

### **Adolescent health**

23. Family planning and sexual health education form part of the curriculum in the Secondary School, and the Youth Peer Educators have undertaken island wide HIV/AIDS campaigns targeted at adolescents. Students at the Montserrat Secondary have access to school Counsellors.

### **Survival and development**

24. In the period 1999-2004 infant, child and maternal mortality rates were nil and only two persons under the age of 18 died.

25. 100% of the population under five years of age is immunised against diphtheria, pertussis, tetanus, polio, TB, measles, mumps, rubella, hepatitis B and haemophilus influenza type B. Follow up immunisation is given to school children at specified ages.

### **Disabled children and Children with special needs**

26. Children with Special Education Needs (SEN) are within the classrooms of the primary schools. A teacher trained in SEN works in the two Government primary schools with the most severe students. Another teacher is presently undergoing training. A small Special Needs Unit provides services for children with physical and mental disabilities between the ages of 5-15.

### **Health and health services**

27. Under a Bilateral Health Care Agreement the United Kingdom accepts four patients a year for NHS medical treatment at UK expense. This covers the provision of health care only and all other expenses are the responsibility of the patient. Facilities in Montserrat include the 30-bed St. John's hospital, which covers all routine health issues, x-rays and minor operations, plus four primary care clinics. Facilities are in place for emergency medical evacuation to Guadeloupe and Antigua.

### **School Health programmes**

28. Health and dental services are provided free of cost to children in the primary health care setting. School Health checks are performed regularly with children referred to appropriate specialists, as necessary.

### **Services provided to expectant/nursing mothers**

29. Health services for expectant mothers include free prenatal and post-natal care and referral, where necessary, to specialist services. Expectant mothers are monitored throughout pregnancy at district health centres and any deficiencies noted are corrected through nutrition supplement programmes and counselling.

30. The volcanic crisis continues to have a profound effect on traditional social structures and support systems. Many families are struggling to get by and the Government of Montserrat has had to develop and fund substantial social welfare and social development services targeting vulnerable families with children on island. These services are implemented by the Community Services Department and Social Welfare Office. Expenditure for welfare and development services over period 2004-2006 has been approximately EC\$ 2.432m, EC\$ 3.230m and EC\$ 3.329m, respectively.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

31. Education is free at Government nursery, primary and secondary levels. Both universal primary and secondary education have been achieved and the early childhood programme has expanded with every child from the age of two able to attend nursery school. There are two Government day care facilities, three nursery schools, two primary schools, and one secondary school. There are also two privately owned primary schools.

32. At age 11+, students automatically transfer to the Secondary School and are placed into ability streams. At the fourth form they follow an academic and/or prevocational programme

depending on interest and aptitude. Students at this level follow the Caribbean Examination Council (CXC) syllabus and can choose from 25 subjects. Examination results are generally higher than in most Caribbean countries.

33. The Montserrat Secondary School curriculum offers a wide range of technical and vocational subjects including Visual Arts, Clothing and Textiles, Food and Nutrition, Agriculture, Woodwork, Technical Drawing, Electrical and Electronic Technology, Building/Construction and Hotel Trades.

34. The Montserrat Community College (established 2004) offers a growing number of examination subjects to students. The University of the West Indies School of Continuing Studies offers a range of courses. Students can also study for a degree programme by distance learning.

### **Professional Development for individuals working with children**

35. The Ministry of Education (MoE) continues to implement the DfID supported 2002-2007 Education Development Plan (EDP). Areas of focus have been Literacy, Numeracy, Special Education Needs (Primary) and Information Communication Technology (Secondary). Training in the focus area has been through workshops facilitated by IOW practitioners for all teachers from daycare to secondary level. In 2006, two nursery teachers successfully completed internship and graduated from the Community Early Childhood educators programme; another teacher is currently in training.

36. The Montserrat Early Childhood Association (MECA) plays a vital role in the community, providing relevant and pertinent information to the public in addition to conducting training sessions for private Early Childhood providers and summer workshops for young children. The professional development of teachers continues to be a priority and in-service training was provided for both new and practicing teachers at all levels of the system. In addition, inexperienced primary teachers visited other local schools to observe best practice and were in turn visited by their experienced counterparts.

37. The MoE recognizes the need for an alternative school/rehabilitation centre and has included provision for it in the 2007 Business Plan. The establishment of such an institution depends on budgetary allocations made to the Ministry.

### **Cultural activities**

38. The Montserrat National Trust houses a small exhibition detailing the history of Montserrat. Various groups put on public performances of a range of artistic activities from choirs to plays. Exhibitions on topics such as crafts and photography are regularly organised. At the end of each school year students from all the Schools participate in an Annual School Arts Festival.

39. A new Cultural Centre, constructed in Little Bay, will be formally opened in early 2007. This building will help to enhance the cultural activities organized, and held in Montserrat.



## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

### **Juvenile Justice**

40. Under the Juvenile Act (Cap. 2.11) a court when dealing with juveniles must have regard to the welfare of the juvenile; this must be so whether the juvenile is in need of care or protection or is before the court as an offender.

41. Unless charged together with a person who is not a juvenile, juveniles who commit offences are required to be tried in the Juvenile Court, which has special powers and procedures appropriate to children. The general public is not allowed in Juvenile courts and Juveniles are kept separated from adult offenders while at the police station and awaiting trial. There are no children or Juveniles deprived of their liberty in Montserrat.

### **Drug Abuse**

42. Despite the fact that the possession and supply of Drugs is a criminal offence under the Drugs (Prevention of Misuse) Act (Cap. 4.07) the use of marijuana seems to be on the rise among children in Montserrat. Very few convictions have been recorded however against juveniles due to the fact that many of the Juveniles who appear before the Magistrate are first time offenders. The Ministry of Education in conjunction with the Royal Montserrat Police Force run the D.A.R.E. program in the primary schools in the hope that this would educate children on the dangers of drug use.

### **Refugee and internally displaced children**

43. Internally displaced families all have access to education and health services. Although only 76 people remain in temporary housing provided after the volcanic eruption of 1997, in general terms the provision of new housing units remains a critical issue despite some funding from the EU and DfID.

44. No data is available on the situation of families that have left Montserrat to take refuge in neighbouring countries or who have settled in the United Kingdom. There is however anecdotal evidence to suggest that a disproportionate number of young Montserratians who were displaced as a result of the volcanic activity and who have grown up in the UK are being sentenced to prison. A study to examine the veracity of this claim and its root causes has been proposed.

## **PITCAIRN ISLANDS**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. Pitcairn Island, with an area of approximately 4.5 square kilometres, is the only permanently inhabited island in the Pitcairn Islands Group in the South Pacific. Pitcairn has a population of less than 50 people of whom currently 9 are under the age of 18.
2. Pitcairn's budgetary aid allocation was \$2,255,669 in 2006-7 and is projected to be \$2,560,000 in 2007-8 (all figures in New Zealand dollars). Of this, over 9% is spent on education. A new school building was completed in September 2006 at a cost of \$240,000. The UK Government also pays for two New Zealand social workers to be stationed on the Island. (N.B. only one is currently deployed.)
3. In 1999, allegations of sexual abuse of children by older men on Pitcairn were made by a number of women. Most of the charges were historical in nature. The allegations were investigated by an experienced team from the Kent Police assisted by a child abuse specialist from the New Zealand Police. Following their investigations, charges of child sexual abuse were laid against 7 islanders and 6 off-islanders in 2003. 8 men were found guilty of serious child sexual offences. 5 are currently serving sentences in the island prison. 2 were given community service sentences (one completed his sentence in June 2007; the other will do so by the end of July 2007). One man was given a home detention sentence.
4. Pitcairn has no independent national human rights institution, as there are insufficient people to comprise one. Human rights however are enshrined in Pitcairn's legislation.

### **CHAPTER II: DEFINITION OF THE CHILD**

5. An individual comes of full age and capacity at 18 years of age. Before that age, he or she is a minor and requires the consent of a parent or person *in loco parentis* for marriage. Section 2 (1) of the Interpretation and General Clauses Ordinance defines a child as a person under 15 years of age. The rule of English law which presumes that a child under the age of 10 is incapable of being guilty of an offence applies in the Island. The age of consent is 16 for girls and boys.

### **CHAPTER III: GENERAL PRINCIPLES**

6. The measures in force in the Island, which reflect the rights referred to in the Convention, do not discriminate between children on any of the grounds set out in article 2. The statutes of the United Kingdom Parliament which prohibit discrimination are taken to be statutes of general application which are in force in Pitcairn.
7. Following the secondment of New Zealand social workers to monitor the safety and welfare of the island children, a local law was enacted to serve as immediate legislative authority for this work. The Children Ordinance provided for a Children's Officer responsible for the overall welfare of children with unlimited power to take any protective action necessary to secure the safety of a child.

8. Places of safety for the immediate refuge of a child at risk have been designated by the Governor. If the Court exercises its power to place a child under the supervision of the Children's Officer that officer is to "visit, advise and befriend the child", help the child to secure appropriate employment or to bring the child back to the Court for the purpose of obtaining an order that he or she be committed to the care of a fit person, whether a relative or not, who is willing to take care of the child on an ongoing basis. If the Court finds that it is necessary to place a child in the care of some person other than his or her parent(s) or guardian, a contribution order may be made to pay maintenance to that other person on account of the cost and expenses involved.
9. The ordinance provides that nothing in its text should be construed as conferring on any parent or other person having the lawful care of a child the power to strike or assault that child by way of discipline or punishment.
10. The law of the United Kingdom which recognizes the sanctity of life applies equally to Pitcairn by reason of section 16 (formerly section 14) of the Judicature (Courts) Ordinance. Risk of suicide to children on Pitcairn is minimal due to close monitoring by social workers and the small size of the school and of the community itself. There have been no deaths of under-18s on the Island for many years.
11. There is specific provision in section 6 (b) of the Adoption Ordinance requiring the Court to be satisfied as to the wishes of the infant who is the subject of the application for adoption, having regard to his or her age and understanding.
12. There are no child or youth organisations on Pitcairn due to the small number of children. However, there are plans to set-up a local branch of the Sea Scouts in 2008.

#### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

13. Under the Births and Deaths Registration Ordinance, a birth is required to be registered within two months.
14. Under the British Nationality Act 1981 of the United Kingdom Parliament, a child born in the Islands is a British Overseas Territories citizen if at the time of his or her birth the father or mother is a British Overseas Territories citizen or settled in Pitcairn.
15. The island has no radio due to its remote location, but in late 2006 a communications project provided a limited television service, for the first time in the island's history. The same project also brought telephones to the island. The internet is available and most islanders have computers in their homes. These are used for general communications. There are no newspapers, although a newsletter, the "Pitcairn Miscellany", of social information is published by the Education Officer and is distributed to subscribers worldwide. There is a library containing books, magazines and videos to which children have access, in addition to a library in the Island School.
16. Under section 35 of the Justice Ordinance, unless otherwise specified, no child convicted of any offence shall be liable to imprisonment. There is no contrary provision in the laws of the Island.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

17. The common law recognises the responsibilities and rights of parents and this extends to adoptive parents by virtue of section 15 of the Adoption Ordinance. Section 12 of the Summary Offences Ordinance also makes specific provision to the effect that it is the duty of every person who has the custody of any child to provide such child with the necessities of life. Sexual offences against children are severely punishable in accordance with the Sexual Offences Act 1956 of the UK (as amended down to the date of this report), which is taken to be a statute of general application in force on Pitcairn. Sections 71, 72 and 73 of the Justice Ordinance empower the Court to require the fathers of legitimate and illegitimate children to provide maintenance for their children.

18. The Adoption Ordinance makes provision for the adoption of children and connected matters. There have been nine adoptions since 1954, the latest in 1979.

19. The father of four of the children was convicted of crimes and sentenced to 6 years in jail starting in early 2007. However, he is serving his sentence on Pitcairn, close to the children's mother and other members of the extended family who provide support. There are no other cases of separation from parents on Pitcairn nor are there any fostered children.

20. There is no known instance of the illicit removal or transfer of children from Pitcairn Island. Pitcairn has no refugees or asylum seekers. There have been no known cases of family re-unification.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

21. There are no children with disabilities on Pitcairn, nor are there any requirements for special schools or institutions.

22. There is a health clinic on the Island and a GP seconded from New Zealand. A new communications project will enable the provision of video-conferencing facilities. The Island has a trained x-ray operator and dental technician. Although he is currently serving a 3-year prison sentence, he is allowed access to the medical center, under supervision, to provide these services. Dental assistance has also been procured from the surgeons of passing ships.

23. The government recommends that mothers come off the island to give birth for their own safety. But if they decide to give birth on the Island, as most recently occurred in March 2007, the Government ensures the presence of either a midwife or a GP with obstetrics and birthing experience for the relevant period. No records were found of deaths of under-fives but there was a child stillborn in 1989.

24. The doctor provides an immunisation programme.

25. The island is generally a healthy place to live with no known cases of infectious diseases or HIV/AIDS.

## **Welfare**

26. Under the Social Welfare Ordinance, child benefits may be granted from public funds to the parents or guardians of children under the age of 15; and children between the age of 14 and 18 who are attending full-time education at the Island School. At present three families are receiving child benefits.

27. The UK Government provides for the presence of a social workers on the Island recruited from New Zealand. Her primary purpose is to ensure the safety and well-being of the Island's children. She is closely involved with the entire community and her community involvement includes support to the school by conducting holiday and after-school activities and teaching safety skills at the school. This enables her to monitor the children carefully and deal with any problems as they arise.

28. The social worker is currently re-drafting a "children's charter", in consultation with the island Council. This charter is based on the UN Rights of the Child and the Island families were involved in its formation. Following a recent review of the provision of social development services, there are plans to create a Social Welfare portfolio on the island Council. The job holder will play a key role in helping to develop appropriate programmes for children and other vulnerable members of the community.

## **Standard of living**

29. Standards of living on Pitcairn are fairly high, albeit without many of the modern conveniences found in most Western countries and children thrive in the healthy environment there. The Government is committed to improving facilities on the Island and a large programme of development work is underway which aims to provide, *inter alia* 24-hour wind-generated electricity, modern communications including television and telephony, improved access (work on an EU/DFID-funded breakwater project is expected to start in early-2008), and improved waste and sanitation facilities.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

30. Education is free and compulsory from the ages of 5 to 15 years. The Island has one school which has a current roll-call of five. The curriculum is based on the New Zealand curriculum and its aim is both to provide practical training to prepare pupils for the variety of practical tasks necessary to meet the needs of such an isolated community and also academic training to enable them to continue their education to higher levels should they so wish. Teaching is provided by a qualified schoolteacher recruited from New Zealand and correspondence courses are arranged for older children wishing to continue their education on the Island. Scholarships are provided by the Island Government for further education or training in New Zealand and two young Pitcairners are currently enrolled on higher education courses there. All children attend school and none is home-educated. A qualified islander runs a pre-school programme (there are two pre-schoolers). After-school and holiday activities are run by the social worker.

31. Handcrafts, which are one of the sources of income for the Islanders are taught by parents at home, who hand down their skills to their children.

32. The Pitcairn dialect (a mixture of English and Tahitian) is preserved and since 1996 has been taught by a locally employed teaching assistant. Sport and leisure activities involving children are informal.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

### **Children in conflict with the law**

33. Section 35 of the Justice Ordinance provides that, unless otherwise specified, no child convicted of an offence may be imprisoned. Children may give evidence without taking an oath or making an affirmation.

### **Children in situations of exploitation**

34. No Pitcairn children are in situations of exploitation. Children are expected to help their parents in the production of handicrafts, which is a family activity, less so in gardening. They also take part in fishing, a necessary part of the economy of the Islanders, but one seen as an enjoyable pastime.

**ST. HELENA AND ITS DEPENDENCIES**  
**(Ascension and Tristan da Cunha)**

**PART I: ST. HELENA**

**CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. There are no specific human rights institutions or committees in St. Helena. However by virtue of *The Queen and The Attorney General (ex parte Philip Lake) {Case No SC M 2/01}* The Human Rights Act 1998 applies in St. Helena. Work is to be undertaken to enact a local Human Rights Act in the near future.
2. The Convention was ratified by the United Kingdom with a number of reservations in respect of itself and the dependent territories. When submitting our initial report in 1998 the view was taken that it would be premature to withdraw these reservations made by the United Kingdom in respect of St. Helena. We are not aware of any change in circumstances that would warrant the withdrawal of these reservations.
3. Protection of children and young persons is specifically provided for under The Children and Young Persons Ordinance (CAP 83) which defines a child as a person under the age of sixteen years and a young person as a person who is between sixteen and eighteen years of age and The Child Care Ordinance (CAP 82) which defines a child as a person who has not attained eighteen years of age.
4. It is believed that the above measures substantially bring St. Helena into conformity with the principles and provisions of the Convention but no further Ordinances have been enacted specifically to meet the provisions of the Convention since the last report.
5. As stated above the Human Rights Act 1998 provisions apply in St. Helena and therefore such remedies as are available under that Act are available to children. No monitoring of the implementation of the Convention is undertaken as such. No separate dedicated national human rights institution exists on St. Helena.
6. The multi-agency Child Protection Working Group (CPWG) posted a CRC charter in schools. Promotion has taken place through child protection presentations to classes of children and a limited adult audience. The Social Work Division's (SWD) endeavour is to use the media services, presentations, opportunities during public meetings and leaflet publication to make the principles and provisions of the convention widely known. New Horizons (NH) is in the process of setting up Youth Forums where staff will discuss matters such as the Rights of the child with the youth of St. Helena. It will also hold quarterly parental meetings where they can discuss issues on Child rights. One of the aims of the organisation is to work closely with the media to get information across to both adults and children. It works in conjunction with other organisations like the Police, Health Services, Education and Social Work in dealing with issues that can affect the basic Human rights of a child.
7. In providing a service for children with disabilities the Social Work Team advocate on their and their parents/guardians behalf. In doing so it is sometimes necessary to seek help from

other agencies such as the Disabled Persons Aid Society who really give support. The Social Work Division has worked with the New Horizons and other church groups for young people in assisting to put together a Child Protection Policy and Procedures.

### **CHAPTER III: GENERAL PRINCIPLES**

8. The Social Work Division takes the lead in a non-discriminatory multi-agency Child Protection Working Group approach to child protection, childcare, guidance and family support. If the child has to go into voluntary care or care via a court order then a tailor-made care plan is formulated and implemented for each individual child.

9. All children have equal opportunity to study all subjects on the school curriculum and to participate in all lessons unless their parents feel that it is not in their best interests to do so.

10. In all the Social Work Division's dealings the best interest of the child is paramount. Mechanisms such as the welfare checklist, non-adversarial court process and achieving best evidence interviews are set up to achieve this. The Social Work Division works with the Police, Education department, Health and other relevant agencies to investigate and deal with cases of abuse and neglect. Protection and care plans are put in place to maintain and sustain the survival and development of the children.

11. The views of children are taken into account. Schools recognise the need for children to be able to voice their opinion and have implemented schemes to support this. All children on St. Helena receive an education and have the right to attend school.

12. The Social Work Division works very closely with the Mental Health team in helping children and young people understand their emotions and actions. There have been short visits of a clinical Psychologist and a Psychiatrist, which has resulted in a more structured approach to helping young people.

13. There are no reports of xenophobic incidents and no evidence of xenophobia. The death penalty is not available to the courts on St. Helena. All deaths on the island are properly registered and where appropriate, in relation to suspicious circumstances all deaths are properly investigated by the Police. Children are properly protected by the law on street violence, in addition Police visit the schools and New Horizons to deliver presentations and create awareness on the law and associated offending.

14. Schools have Whole School Behaviour Policies/Anti-bullying Policies that set out procedures to follow in ensuring that they are protected against any kind of discrimination. Schools have systems in place for pupils/students to use should they feel they are not being treated properly and all are aware of these channels.

### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

15. The provisions of the Child Care Ordinance as in the previous report still apply. The Immigration Service of the Police Department retains data of all details of foreign visitors to the island. No persons are subject to torture or any other inhumane treatment including corporal punishment.



16. All pupils/students are made aware of their civil rights and freedoms through the Personal, Social, Health and Citizenship Education Programme. Topics covered include: Citizenship, Rights and Responsibilities, Political Literacy, Community Involvement and St. Helena Law.
17. The Social Work Division (SWD) work with other agencies in providing support, guidance and advocating for children and young people. The SWD through the Child Protection Working Group takes the lead in investigating abuse or neglect and formulating and implementing plans that offer a better environment for the children.
18. The teenage pregnancy rate for St. Helena remains low and has not changed over the last 5 years. The cause of this low trend could be because of falling birth rates due to attrition of people of reproductive age, good uptake of family planning services and improvement in sex education within schools. There are no cases of single parents who are homeless and cannot care for their child.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

19. As part of child services and generic social work parents/guardians are assisted in providing the right guidance and direction for their children. When the Social Work Division (SWD) work with children and families the primary responsibilities of the parents/guardians are brought to the fore. The SWD has also joined other agencies (police, education, health, New Horizons) in highlighting the responsibilities of parents/guardians through the media.
20. The Child Protection Working Group works with parents/guardians and children to avoid separation. However, when separation is suggested and the parents/guardians are not perpetrators of violence or abuse against the child then a voluntary separation is sought where everyone is in agreement to the decision made and the conditions that are set. This kind of separation would involve the child being placed in the Family Centre for a short period of time. This short period of time would include a detailed care plan which would involve rigorous monitoring, re-evaluating and reassessing. This would enable the Child Protection Working Group to decide whether the child should return home or not.
21. A court order for separation would be applied for if abuse or neglect puts the child at risk. An order of this nature would also be sought if separation was in the best interest of the child and all parties or one party was not agreeable to it.
22. Some parent(s)/guardian(s) leave St. Helena Island for extended periods of time for the purpose of working overseas. They therefore leave their children behind with relatives. Before leaving the island the SWD meet with the parent(s)/guardian(s), the children and the person(s) who will be caring for the children). During this meeting legal documents are signed by all concerned. One of the agreements is for the departing parent(s)/guardian(s) to appropriately provide maintenance for their children. These documents are being revised to cover the holistic welfare of the child. There are only three social workers covering all aspects of social work on the island.

23. The SWD is responsible for a Family Centre that exists for the purpose of accommodating children deprived of their family. This will only be used if extended family or relatives cannot be found or if close friends who could provide a family environment are not available. If they are placed in the Centre then a care plan is put in place that is monitored and reassessed on a regular basis.

24. Adoption has not occurred for many years on St. Helena. However, if it takes place then agencies would follow the letter of the law with the best interest and the views of the child to the fore.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

### **Children with learning difficulties**

25. All children with some degree of learning disability are registered. There need to be an improvement in dedicated day care service to relieve family stress related illness and to work on behavioural modification programmes with the child so that they can be managed more effectively in their homes. A Challenging Behaviour Unit was set up in 2006, to accommodate young adults with severe challenging behaviours in a safer and more appropriate environment.

### **Health and health services**

26. Mental Health services are available on the island which is run at community level and includes a weekly mental health clinic. Referrals are seen by a MH and CPN and a doctor as required. This service was supported by a visiting Psychiatrist and Clinical Psychologist in 2005. There is an increase in child behavioural problems, adults and young people with anxiety related disorders. A recommendation has been made for a resident psychologist on island for a period of two years during to process better management of clients and also to train resident social and health care staff. The national Immunization programme has been revised to include Meningitis C.

27. The Department for Employment and Social Securities (DESS) provide child allowance and child support for families in receipt of Social Benefits and parent(s)/guardian(s) who are unemployed. A child whose father is deceased and whose mother is has a low income is also eligible for child support. These allowances and support is provided until the child reaches the school-leaving age.

28. Childcare services and facilities in place for all children are: one crèche, private child minders, non-compulsory nursery education at each primary school.

29. Currently all pupils/students from Key Stage 2 are educated on protecting themselves against diseases such as HIV/AIDS and Sexually Transmitted diseases through the Personal, Health, Social and Citizenship Education programme. They receive education also on Personal Safety. The Education Department currently has available the services of a full time school nurse. A national Sexual Health Strategy includes action on increase awareness and education to young people on Sexually Transmitted Infections and HIV/AIDS. The Sexual Health Strategy Group is responsible for overseeing policy implementations with the different organisations including those that deal with young people.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

30. There are currently 49 primary and 30 secondary teachers in St. Helena, and 368 primary and 398 secondary pupils. Ongoing restructuring of the Department to bring on line an Adult and Vocational Education Service will enhance the variety of vocational courses on offer to students.

31. The New Horizons is one of the leading youth organisations on St. Helena. Since its inception in April, 2003 it has become very successful and attracts on average 25 members per session. It opens 3 evenings a week for 2 hours and Saturday morning for 4 hours. During School holidays the facility opens Mondays to Fridays provides Sport and Educational activities for all youth age 11 to 17 years of age. The New Horizons plays a leading role in dealing with issues that can affect the youth of St. Helena like smoking, drugs, alcohol and sex. In conjunction with the Police it launched a "Prove It" card scheme on 7<sup>th</sup> July 2006 to try and stop the youth from purchasing alcohol in licensed premises.

32. Along with other activities a youth games is organised once a year allowing the youth to participate in different sports. A fitness gym was opened on 31 July, which will hopefully encourage the youth of the island to lead healthier life styles.

33. All students have the opportunity to participate as fully as possible in activities through planned lessons, Lunchtime Clubs and Extra Curricular activities. The Social Work Division takes the lead in some cases by facilitating conferences that pull together relevant agencies that can put together a plan that will enable the children to move forward and develop holistically.

### **Special educational needs and disability**

34. There are fourteen pupils with significant disabilities of compulsory school age, of which six are in primary schooling, seven pupils in secondary schooling and there is one placement at Barnview House, a day care/residential unit for the disabled. This pupil has profound disabilities and needs a high level of support. The placement was made in the best interests of the child, with Education, Public Health and Social Works Departments all being involved in the decision-making process. All pupils were assessed by an Educational Psychologist in July/August 2004. Recommendations made have been followed up and the pupils' Individual Education Programmes are regularly monitored and reviewed. Both primary and secondary sectors have their own Learning Support Centres which have well resourced teaching aids for pupils experiencing learning, behavioural and emotional difficulties. There is a Special Educational Needs Code of Practice, which outlines the fundamental principles, practices and procedures for special educational needs provision. Pupils with significant disabilities are integrated in mainstream schools as part of an inclusive system.

### **Underage Pregnancy**

35. These students leave school at the end of the half-term in which they have informed the school that they are pregnant. They may chose to continue their school studies in the Pupil Referral Unit until they feel unable to do so. They are given support for their studies from the school. The rate of underage pregnancy is approximately 1 per academic year. Students who have not completed their studies are normally allowed to return to complete their schooling on application to the Education Committee, following the birth of their baby.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

### **Children in conflict with the law**

36. The judicial process is operated through the Magistrates Court and the Supreme Court. Magistrates receive on-going training from specialised trainers commissioned from the UK. The Supreme Court is overseen by the Lord Chief Justice, a visiting qualified UK judge. Individuals are represented by the Public Solicitor an appointee with internationally recognised legal qualifications and a number of lay advocates. Prosecutions are overseen by the Attorney General and undertaken by the Crown Prosecutor both currently UK qualified Solicitors of the Supreme Court.

37. In the event children are deprived of their liberty and detained, there is a facility within the confines of the Prison for juveniles where they are separated from adult prisoners and in as much as possible any form of contact is avoided.

38. In the event the juvenile is sentenced to life imprisonment, the Prison Service is not capable of providing this type of facility as the prison is only designed to cater for short-term prisoners. A project has been submitted to the Foreign and Commonwealth Office for a purpose built prison, which will mean separate means and facilities for all types of prisoners including juveniles.

39. In addition, there is a Juvenile Diversion Scheme in place set up by the Police, Social Services and Education and designed to help Juveniles in avoiding re-offending.

40. There is no evidence of sexual exploitation on St. Helena.

## **PART II: ASCENSION ISLAND**

### **Introduction**

41. The Convention on the Rights of the Child was extended to Ascension Island on 7 September 1994.<sup>7</sup> This is the first occasion that Ascension Island has been required to compile its own report.

42. The Island of Ascension lies in the South Atlantic some 750 miles (1207 kilometres) north-west of the Island of St. Helena, with an area of 34 square miles (88.059 sq kilometres). Ascension has special characteristics from a habitation point of view. Residents are either on a service contract working for the various organisations or as accompanying families. The British Government in January 2006 determined that there would be no right of abode nor property ownership outside Government. There is no indigenous population and the above means that no permanent, settled population is currently envisaged by the British Government. This presents special challenges in complying with the provisions of the Convention.

43. Entry to Ascension and the right to remain on the Island is regulated by the Entry Control (Ascension) Ordinance<sup>8</sup> which states categorically that there is no entitlement for any person to land or remain in Ascension. Permission to do so is vested in the sole authority of the Administrator.

44. The population of Ascension is approximately 997 persons, which excludes visitors. This comprises of 75% St. Helenians, 16% UK nationals, 8% Americans. There are 545 male and 306 female adults and 146 children.

45. In accordance with the provisions of the Education Ordinance,<sup>9</sup> schooling is compulsory for all children from the age of 5 to 15. However children are encouraged to stay in school beyond 15 years, to complete their examinations. There are also opportunities for children to be supported for further education in England. There is one school, namely Two Boats School, which is an “all through” school which caters for children from Nursery through to 15 years. A separate Non Governmental Organisation playgroup called “Ladybirds” caters for pre-school children on the island. This is run by a Committee of parents and chaired until recently by a trained Infant Teacher.

46. Other non-governmental service organisations such as Scouts, Cubs, Beavers, Girl Guides, Brownies, Rainbows and Ascension Explorers are actively involved with children.

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<sup>7</sup> Convention extended by the UK Government.

<sup>8</sup> Entry Control (Ascension) Ordinance.

<sup>9</sup> Cap. 167 - St. Helena law that applies by virtue of the Application of St. Helena Law (Ascension) Ordinance.

## **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

47. The Attorney General of St. Helena is also the Attorney General for Ascension Island. Ascension Island recognises that there is need for appropriate domestic legislative measures to give effect to the rights enshrined in the UNCRC, and is working with the assistance of DfID and NCH towards the development and enactment of an appropriate Ordinance which will provide the legal context for the protection of children and young persons.

48. Ascension Island does not have any domestic legislation that specifically caters for children, however, the laws of St. Helena in terms of the Children and Young Persons Ordinance<sup>10</sup> and the Child Care Ordinance,<sup>11</sup> applies. This legislation has not kept pace with modern practice or the requirements of the Convention and the National Child Protection Action Plan compiled with the assistance of NCH addresses this.

49. There are three Lay Advocates whose function is to provide free legal advice and support to persons who may have a need of such advice and support. They were complemented in carrying out those duties by a legal adviser whose two year post has been discontinued in September 2006. It is anticipated that he will shortly be replaced by a Crown Counsel. The Lay Advocates are able to enlist the assistance of the Public Solicitor based in St. Helena.

50. The principles and provisions of the UNCRC Convention only became known on Ascension Island when the NCH/DFID launched an awareness programme on Ascension in December 2004.

51. Copies of the Convention and Reports will be made available for public viewing in the Resource Centre and the Administrator's Office.

## **CHAPTER III: GENERAL PRINCIPLES**

### **Non-discrimination**

52. The Race Relations Ordinance<sup>12</sup> makes it an offence to discriminate against anyone on the grounds of colour, race, nationality, or ethnic or national origins. There is no Ascension specific legislation that deals with the subject of sexual discrimination.

53. There is no discrimination between the genders of children. Under the Births and Deaths Registration Ordinance<sup>13</sup> the responsibility rests with parents to register the birth of their child. For the period under review there were 34 births of which 15 were children born outside of a marital union. All 34 births were registered.

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<sup>10</sup> Children and Young Persons Ordinance Cap. 83.

<sup>11</sup> Child Care Ordinance Cap. 82.

<sup>12</sup> Race Relations Ordinance Cap 84 an enactment of St. Helena.

<sup>13</sup> A St. Helena enactment applied to Ascension.

54. The school has an Equal Opportunities Policy in place and encourages staff and children to treat others equally and without prejudice. There are currently two children with a diagnosed disability attending school and who are fully integrated within their year group and are provided with additional full time one to one support.

55. Bullying in school is infrequent and rarely physical. Any bullying is promptly dealt with by the School under its Anti Bullying policy of aggressive prevention education.

### **Best Interests of the Child**

56. There are no specific social work systems, policies and procedures in place to deal with any child protection concerns.

57. 13.1% of the annual budget is attributed to children through the School budget of which 5.14% is allocated to funding Further Education at Chichester College in the UK. Within the period 16.5% of the capital programme was allocated for both the school and community and supported the Resource Centre, IT equipment and teacher training initiatives. The school applies the English National curriculum and continuous efforts are made to improve the facilities offered.

58. Schooling for some children on Ascension can occasionally be interrupted for periods during term time when employees take their families offshore for contractual leave. Such leave could be for any period of up to six weeks. There is a reciprocal agreement between St. Helena and Ascension that children of families taking leave may attend school on the respective Islands.

59. There are no known cases on Ascension of poverty or ill treatment, including physical, mental or sexual abuse. The National Child Protection Action Plan has a series of actions to reduce risks and increase awareness.

### **The right to life survival and development**

60. The child mortality rate for Ascension Island is exceptionally low with no deaths being recorded during the last decade.

61. Free medical and dental care is available to children. The general health of children on Ascension can be described as robust. The environment is regarded as secure and safe. There are no known cases of malnutrition and all children receive or are offered the recommended immunisation and health checks.

### **Respect for the views of the Child**

62. There is a School Council, which is a students' representative body that provides a forum for students to discuss matters and to put forward suggestions, recommendations and requests. In addition children are encouraged through Personal and Social Education to develop their thinking on a range of issues that affect them with Teachers providing the relevant factual support.

#### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

63. Children born on Ascension are eligible to be registered in accordance with the Registration of Births and Deaths Ordinance and would assume the nationality of the parent. It has recently been recognised that children born to St. Helenian parents on Ascension Island do not acquire any St. Helenian status automatically and would have to apply for permits for a visit there. This issue is being considered by the St. Helena Government under a review of its immigration legislation and processes.

64. The Children and Young Persons Ordinance makes provision for dealing with incidences of cruelty to children. There are no known cases of these circumstances on Ascension, or of reported abuse and neglect.

65. There is no known asylum seeking and refugee children or children belonging to indigenous and/or minority groups on Ascension.

#### **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

66. Parents have a legal duty to ensure their children have an education in accordance with the Education Ordinance. The school maintains records of all children on school roll.

67. There have been no cases of adoption for the period under review and no experience of fostering or illicit transfer and non-return of children.

68. Government itself has a responsibility for the welfare of children. The positive feature of a small community means that most people living on Ascension know each other and the children tend to be well known. They are readily accepted socially as part of the community. There are no children's homes or institutions concerned with the welfare of children.

#### **CHAPTER VI: BASIC HEALTH AND WELFARE**

69. All resident children receive free on island dental, medical and health care. There is one 9 bed hospital situated in Georgetown that is well equipped to provide good quality primary and secondary medical care for the Island. The service is managed by a Senior Medical Officer; and supported by an Anaesthetist, nursing and administrative staff.

70. There is no specific Social Security or child care service on Ascension.

71. There are no known cases of poverty, malnutrition, malaria, tuberculosis or HIV/AIDS in any of the population on Ascension. Until last year all children underwent a health test between the age of 13 and 14 and were given the BCG vaccination. This has now been suspended on the advice of UK health guidelines.

72. There is no resident Ophthalmologist but annual testing services for children is scheduled around May of each year.

73. Counselling and guidance on sex education, health and wellbeing (including obesity, alcohol and drugs) is available to children through the schools in collaboration with the health services.



74. The Police School Liaison Officer provides information to children on issues related to road safety, drugs, underage smoking and sexual offences.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

75. Education on Ascension is compulsory - see paragraph 8; and is free to all children. A broad and balanced curriculum is delivered by fifteen teachers to a total of 105 children of which 56 males and 49 females. There is also Nursery provision for those children who reach the age of three before 31 August in any year.

76. Children are taught to the highest possible standard within the constraint of a relatively small, "all through" school.

77. The majority of children in Two Boats School are of St. Helenian origin with a small number of UK origin.

78. In September 2004, an Inspector Adviser for the Service Children's Education conducted a 3 day visit to report on key recommendations to support and sustain improvement in the primary years.

79. Some of the report's main findings were that the school provides a safe, secure and welcoming environment for all children. The quality of teaching was reportedly variable, and standards in the primary were below the average for England in English and Mathematics.

80. Since this finding, teacher training has been expanded locally and in the UK, with resultant improvements in standards.

81. In accordance with the English National Curriculum, children are expected to be within Level 5 for SATS results at the end of Year 9 (14 year olds). As well as statutory tests, pupils were entered for GCSE Examinations. Most children took nine subjects and the results were very encouraging. They continued the year on year improvement and this is shown in the table below. Given the small year group sizes the percentages for 5A\*-C grades show big fluctuations. The overall trend in achievement at Key.

Stage 4 is upwards.

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
No of Students in Cohort	5	13	8	6
% of pupils gaining 5+ A*-C Grades	60	38	50	83
Average No. of entries per student	6.6	7.4	8.6	8.3
Average points score per student	34	36	39	42

82. Children are also encouraged to make use of the wide range of sporting activities on offer as part of the curriculum and also the use of the educational resources available on the Internet. Internet access is monitored by appropriate filtered service. This is also supported by an Internet Code of Conduct Policy.

83. Government also provides funding for selected students who wish to study for 2 year A Levels courses or 1 or 2 year vocational courses at Chichester College in the UK. For the period under review government has funded 11 students with a further 5 taking up scholarship from September 2006.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

### **Children in situations of emergency**

84. There are no known cases of children seeking refugee status, involved in armed conflict or child victims on Ascension Island.

### **Children involved with the system of administration of juvenile justice**

85. In the Administration of juvenile justice, the Court is limited in its sentencing options as the infrastructure to provide probation and community services, which are appropriate penalties for juvenile sentencing, is not available. There is no Probation Service or Probation Officer. There are no juveniles detained on island.

86. Under the Ascension Magistrates Court Ordinance there is provision for the protection (basically from media or other public identification) of a juvenile appearing in a Juvenile Court.

87. For the period under review, 14 juveniles received formal cautions for underage smoking and 2 for criminal damage. The Juvenile Smoking Ordinance<sup>14</sup> prohibits smoking by persons under the age of 16 years.

### **Children in situations of exploitation**

88. Cases of sexual exploitation and other forms of exploitation of children are not known on Ascension. Since 2002 there were three cases brought to Court involving three children between the ages of 14 and 15 who had been involved in unlawful sexual activity with an adult.

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<sup>14</sup> Juvenile Smoking Ordinance, Cap 58 of 1950 revised edition of the Laws of St. Helena.

### **PART III: TRISTAN DA CUNHA**

#### **Introduction**

89. Tristan da Cunha is a small island in the South Atlantic, which is frequently described as the “most remote inhabited island in the world”. Its sole settlement, Edinburgh, is set on a sloping plain below the island’s plateau which rises about 2,000 ft.

90. The island has a total population of about 268 people, (2006) of which 40 are children under the age of eighteen years.

91. The island’s infrastructure includes a health and education service. Despite the absence of a formal social care system, social service related issues are incorporated under health services. There is full employment on island, and hence the island does not have a social security system. Security is provided by one full time policeman, and compulsory education is available at the St. Mary’s school to children from age 5, until the current school leaving age of fifteen years. The Island Council has agreed (2005) that the age of school leaving should be extended to sixteen years or beyond.

#### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

92. Tristan da Cunha does not have any local children’s Ordinances and the presumption is therefore that the Laws of St. Helena in the first instance applies. This drafting of a local Ordinance is currently being addressed, and the draft legislation is expected to be available in early 2007.

93. There are no legal advisors or advocates on the island, and such specialist services if required, would have to be sourced through the office of the Attorney General which is based in St. Helena.

94. Despite the limited infrastructure, technical capacity and safeguarding resources on island, Tristan da Cunha has taken initial steps to develop a National Child Protection Action Plan for the children of the Island. A Safeguarding Board has been established in 2006, with responsibility for promoting the rights of children and, to develop as practicable, those systems, procedures and programmes which will improve the protection of children.

#### **CHAPTER III: GENERAL PRINCIPLES**

95. The Race Relations Ordinance of Tristan da Cunha (1996) establishes that it is an offence to discriminate against anyone on the grounds of colour, race, nationality or ethnicity.

96. Whilst this legislation omits provisions against sexual discrimination, the practices on the island are informed by gender stereotyping and socialization practices. Hence, on leaving school, boys tend to enter into the manual jobs of fishing, agriculture and public works; whereas the girls and women who work outside the home are likely to be engaged in traditional and professional care-giving roles (nursing, teaching, childcare) and factory work.

97. The small size of the community encourages inclusion of all members into the society. Provision is therefore made for all children (including the one child with disabilities), to attend

school and participate fully in the community. In two recent reform initiatives that impact on the protection of children, the views of children both of school age, and those fifteen to eighteen year olds in the work place, have been sought and taken into account in design of appropriate responses. These initiatives are specifically the NCH/DFID Child Protection Programme and the CLS Educational Needs Analysis.

#### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

98. The Children and Young Persons Ordinance of St. Helena applies to its dependencies with respect to provisions for the protection of children from cruelty, inhumane and degrading treatment.

99. There are no known reported such cases of cruelty to children in Tristan da Cunha. However, corporal punishment remains the practical exception. Whilst the judicial system and educational system acknowledges corporal punishment as illegal, parents are allowed to use corporal punishment on their children within the reasonable limits of chastisement.

100. There are no asylum-seeking children or children belonging to indigenous or minority groups in Tristan da Cunha. There are no children living in poverty on island, and for those children born out of wedlock, there is no stigma or discrimination associated with birth status.

#### **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

101. While the government of Tristan acknowledges responsibility for the welfare of children on the island, no child is under a care order or living in an alternative setting. There are no foster care services, institutional or residential care provisions for children on this island. There are also no known or reported cases of abuse or neglect, or adoption of children over the reporting period. Child abduction and illicit transfer of children are not issues reported to have occurred on this island.

102. Because of the close family relationships, and social networking among the islanders, children exist in this small community in a protected environment. Programmes in parenting and direct Child Care Services are not currently available to families but there is openness by the Health Services to consider such provision if the need exists.

#### **CHAPTER VI: BASIC HEALTH AND WELFARE**

103. Children in Tristan da Cunha have access to free medical and dental care. Special care or assistance for the one child on island with learning disabilities is not provided.

104. There are no children on island affected or infected with HIV/AIDS, neither are there any cases of teenage pregnancy, sexually transmitted infections among adolescents, mental health problems, drug or alcohol abuse among children and the youth.

105. Health services on island are provided by one medical doctor, assisted by 6 specialty nursing staff. A visiting dental team service is available every 18-24 months to deliver dental care to the residents.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

106. Free and compulsory education is provided to all 33 children between the ages of 5 and 15 years, enrolled at the St. Mary's School. A playgroup on island, offers daily early learning experiences for the 3-5 year olds.

107. The school is staffed by 6 teachers, 4 of whom have received some formal training. However, none are in possession of a professional qualification from the United Kingdom. Whilst children are tutored towards taking General Certificate of Secondary Education (GCSE) in Mathematics and English subjects, available data on performance since 1989, suggests that academic performance is poor. Higher education is generally not available to students and the prior student enrolment arrangement at Denstone College in the UK and Prince Andrew School in St. Helena, for pursuing education overseas after reaching 16 years of age has been discontinued.

108. The guarantee of a job, irrespective of academic achievement may provide some reasoned explanation as to lack of motivation to achieve excellence academically. The Government of Tristan is examining the education system on island, with a view towards developing a long term strategy for educational provision.

## **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

109. This island does not have children involved in armed conflicts neither is there any record of arrests of children under the age of 18 years.

110. There are no secure facilities on island for separate detention of children from adults. Should the Administrator acting in his capacity of magistrate, be required to place a child under detention for committal of an offence, provision is made (under the existing legislation of St. Helena) that he may direct a child to be placed in the residence of a person deemed as "fit".

## **TURKS AND CAICOS ISLANDS**

### **CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION**

1. The Department for Social Development is charged with responsibility for child protection, and works closely with other government agencies such as the Police, Judiciary, Education, Health, and with non-governmental agencies and church-based organizations in empowering families and protecting children from all forms of abuse. As yet, there are no independent national human rights institutions in the TCI, but legislation is being drawn up to establish a Human Rights Commission, and a Human Rights Reporting Committee.
2. The TCI National Monitoring Committee on the Rights of the Child was revived in June 2006 after a two-year break, and was tasked with drawing up this report. It comprises representatives from the following Departments: Social Development, Education, Gender Affairs, Health, Immigration, youth, Labour, Governor's Office, Attorney-General's Chambers, Economic Planning and Statistics, and Physical Planning.

#### **Public Awareness**

3. Since the Convention was extended to the Turks and Caicos Islands in 1994, there have been a series of public education programmes conducted throughout the various communities in the Turks and Caicos Islands. These programmes have taken the form of pamphlets, radio programmes, public meetings, and seminars/workshops for stakeholder groups, including the police, social development, parents and teachers and particularly students.

#### **Harmonising the Law**

4. The Turks and Caicos Islands has embarked on a number of initiatives that will lead to some level of harmonization of the national law and policy with the Convention. One such initiative is participating in the Organisation of Eastern Caribbean States' Family Law and Domestic Violence Reform Project, which was aimed at harmonising the existing legislation in the OECS Member States relating to family and domestic violence in keeping with basic human rights and relevant International Conventions, which were ratified by the OECS Member States including the Convention on the Rights of the Child.
5. A Green Paper on family law reform is near completion and has the input of all representative levels of the Turks and Caicos Islands society, in addition to all the countries that are part of the reform project. Thus far, six bills have been drafted and, following additional public consultation, this model legislation is due to be taken before Cabinet this year, once the final versions are supplied by the OECS Secretariat.

### **CHAPTER II: DEFINITION OF THE CHILD**

6. In the Turks and Caicos Islands there is no standard age of majority in law. This was recognised as a deficiency in the law, and a standard age of 18 years is proposed in the draft model legislation being finalised as part of the OECS/TCI Domestic Violence law and Family law reform project. Examples of age restrictions in the Turks and Caicos Islands are given in the full report.

### **Employment**

7. Everyone over the age of 16 may take employment. Anyone under the age of 16 must have parental or guardian consent.

### **Child abuse**

8. The Department of Social Development plans to establish multidisciplinary teams to monitor and support the management of child abuse in the Turks and Caicos Islands. There will be national committee and an island team. Additionally, the Department plans to implement a Child Abuse Hotline and a Child Abuse Register.

### **Voluntary testimony in court**

9. In principle, any child can be asked to testify in Court. In situations where children are called upon to give evidence, they are accompanied in Court by a parent, guardian or social worker. Additionally, where applicable, the Judge and attorneys disrobe and the Judge sits at a table when children are giving evidence, creating a child-friendly environment. Legislation is currently being drafted to provide for juveniles to give evidence by way of a video link so that they do not have to sit in the courtroom itself.

### **Deprivation of liberty**

10. Section 5 of the new TCI Constitution (Annex 3) protects the right from arbitrary arrest or detention.

11. The Young Offenders Punishment Ordinance (Cap. 27) states that “notwithstanding the provisions of any Ordinance, a child, upon conviction by any Court of any offence, shall not be sentenced to imprisonment, but in lieu thereof, if the Court considers that no other sentence or order is appropriate, shall be sentenced to be detained for such term, not exceeding three years, as the Court may specify, in such place and subject to such lawful custody. At present there is no juvenile detention centre for young offenders in the Turks and Caicos Islands. Juvenile offenders are sent to specialist centres overseas, primarily in Jamaica, pending the construction of a new dedicated facility for this purpose in Turks and Caicos Islands.

### **Consumption of alcoholic and other controlled substances, and cigarettes**

12. It is illegal to give or to sell alcoholic or other controlled substances to a child. Despite this legislation, a study conducted by the Drug Unit in 2005 showed that alcohol abuse is prevalent among school children. There does not appear to be any specific provision in law relating to children and smoking. But the practice is prohibited, and smoking is not prevalent among school children.

## **CHAPTER III: GENERAL PRINCIPLES**

13. There are two resident courts in the Turks and Caicos Islands that address matters concerning children: the Magistrate’s Court and the Supreme Court. The courts ensure that

children within their respective jurisdictions receive the care, guidance, and control conducive to their welfare. Where children are ordered to be removed from the custody of their parents, the court seeks to provide them with the high-quality parental care.

14. The Department of Social Development is charged with responsibility for child protection. The Ministry of Education, Youth, Sports, Gender Affairs and Culture also promotes several programmes designed to meet the needs of children for education, freedom of expression and association - including US\$15 million in scholarships given in 2005-2006; annual youth day events promoting debates and discussion forums; and the Cadet's youth disciplinary programme carried out in conjunction with the Police Force.

15. The Ministry of Health meets the needs of children's health care by providing community medical and primary health care clinics including pre-natal and post-natal care, counselling and immunisation programmes at the clinics and in schools. Under the Medical Fees Regulations, medical treatment at these clinics is free for children.

16. The best interests of the child are taken into consideration in most TCI laws. The term "the child's welfare" is commonly used, and this is synonymous with the best interests of the child. When dealing with a case, the Court usually requests a social inquiry report to be conducted on the family, in order to gather relevant information that will help to determine what would be in the child's best interest.

### **The right to life**

17. Section 2 of the Constitution protects the right to life - "Every person's right to life shall be protected by law. No person shall be deprived intentionally of his or her life". Abortion is illegal in the Turks and Caicos Islands.

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

18. The laws of the Turks and Caicos Islands provide for the views of children to be respected. Children are provided with the opportunity to give their own views on matters affecting their lives. Their views are taken into consideration when making critical decisions, thus upholding the Convention.

19. Under TCI law, the above rights are extended to all children of whatever racial group. However, in a country where the indigenous population is now outnumbered by non-belongers, who have migrated (many illegally) predominantly from neighbouring Haiti, there is anxiety about the levels of immigration into the country. Consequently, the sheer number of immigrants has put pressure on education, health and other services, and can be a source of social tension between the communities. The TCI government is committed to ensuring that its responsibilities to every child resident in the country are carried out appropriately under the law, but in practice this is not always enforced.

## **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

20. The Registration of Births, Marriages and Deaths Ordinance (Cap. 87) requires for the registration of every birth irrespective of nationality.



21. Sections 19 and 20 of the Adoption Ordinance provide for a change of name on the adoption of a child.
22. The Register of births and the Adopted Children Register do provide information to the public at large on the information filed in relation to each child born or adopted in the Islands thereby allowing a person to trace his or her personal history later in life. The provisions of both Ordinances also allow for a child to retain his or her identity.
23. There are no restrictions in the Turks and Caicos Islands on freedom of expression of any person, including children. The Constitution makes provision for the protection of freedom of expression of persons in the islands.
24. Children in the Turks and Caicos Islands have access to information and material from a range of national and international sources, via schools and public libraries, print and electronic media, and via the computer and internet. Public libraries provide reference and loan material for children, and subscribe to a number of publications of interest to children in various age groups. Additionally children have access to computers in all schools and public libraries.
25. Every person in the islands has the right to freedom of thought and conscience and religious freedom subject only to the limitations prescribed by law as recognized by article 14 and subject to the right of parents to provide guidance. The Education Ordinance states that “no person shall be denied entrance to any public school on account of the religious persuasion, race, social status or language of such person or his parent”.
26. There are no restrictions on the rights of the child to freedom of association and peaceful assembly. This has been fully incorporated into the Turks and Islands Constitution.
27. The Constitution provides protection for the right to privacy.
28. The Constitution provides protection of the right against being “subjected to torture or to inhuman or degrading treatment or punishment” under section 3.

## **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

29. The rights and duties that parents have derive from their responsibilities under the common law of England as applied to the Turks and Caicos Islands in 1799. The primary principle is the welfare of the child which means to act in the best interests of the child.
30. The Department of Social Development provides parental guidance in the form of counselling, public education programmes and workshops for parents. All these initiatives are geared towards educating parents on parenting and enhancing parenting skills.

### **Parental Responsibilities**

31. Provision is made through the Department of Social Development to assist parents who may not be able to adequately meet the needs of the child. Some of these provisions include provision of school supplies, assistance with rent, and paying of school fees in some instances.

### **Separation from parents**

32. The laws relating to child protection only permit children to be removed from their parents by an order of the court. Children placed outside the home environment are usually placed with family members or in foster care. When there is no family member willing and able to provide care and protection to a child and no foster parent is able to care for that child then he/she is placed in Nissi's Home. This home has been recently opened and is run by a non-governmental organization with subsistence from the Government of the Turks and Caicos Islands. The Department of Social Development monitors this home.

33. The foster care system is not properly structured and requires some level of organisation. There has been no formal training or screening of foster parents. However, plans are being made to address this problem in 2007.

### **Recovery of maintenance for the child**

34. Section 12 of the Domestic Proceedings Ordinance makes provisions for maintenance to be paid for children by either parent.

### **Illicit transfer and non-return**

35. The Turks and Caicos Islands is not a party to any international convention dealing with the illicit transfer and non-return of children. In such cases, the Police Force and the Social Development Department rely on diplomatic relations between countries through the Governor's Office.

### **Periodic review of placement**

36. It has not always been possible for social workers to conduct periodic reviews when children are placed in foster care. The foster parents and guardians of these children tend to have a false image of the role of the social worker in placing children in their care, which can lead to a breakdown in communication and a shortage of foster parents. The Department of Social Development has a written policy directing social workers to conduct quarterly reviews on all cases.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

37. At present there are two hospitals, which are accessible to all children living or visiting, they provide medical, obstetric, paediatric as well as other specialised services. Each island of Turks and Caicos has at least one health centre. There are a total of eight health centres in the public sector and 7 private clinics. Each health centre has at least one scheduled antenatal, postnatal and Child Health Clinic per month depending on the population of individual islands. All the islands have a resident nurse/midwife, a resident or a visiting Public Health Nurse, a resident or visiting paediatrician, a resident or visiting Obstetrician and a resident or visa access to its services before six weeks. Post discharge from hospital all postnatal mothers and babies are seen within the first two weeks either by home visits conducted by the Public health Nurse or by the client visiting the health centres. The Gynaecologist sees all postnatal mothers, and the Paediatrician sees all infants in the postnatal period. 99% of all pregnant women access antenatal care.

38. The Expanded Programme for Immunisation has played a key role in the reduction and maintenance of a low infant and child mortality and morbidity. The Turks and Caicos Island has seen its long-term impact with no incidence or deaths from any of these diseases under surveillance. Immunization coverage for the past years has been maintained at 100% for the < 1 year population and 95% for the 12-23 months population.

39. Postnatal mothers are educated on various topics at their homes as well as when they visit the clinic about environmental and personal hygiene for mothers and infants, accident prevention, diet, breastfeeding, and immunization, via oral presentation as well as audio-visual presentations. Mothers are encouraged to exclusively breastfeed for at least 4 months or up to 6 months, which is ideal. Emphasis placed on the advantages of breastfeeding for infants and mothers with emphasis on prevention of Gastroenteritis and obesity.

40. There is an active School Health Programme in Turks and Caicos Islands. The Public Health Nurse and her team visit each school year. At the schools, immunizations as required, rapid inspection of each student and health education on previously identified topics are carried out.

### **HIV AIDS**

41. HIV/AIDS continues to be a challenge for the Turks and Caicos Islands. The HIV/AIDS epidemic in the TCI is considered to be a generalized one with the main mode of transmission being heterosexual. The first case of AIDS was discovered in 1985. From that time to 2005 there have been a total of 732 HIV positive cases reported in the national database. A draft policy on HIV/AIDS was completed by the National AIDS Program in 2005 and is currently to be presented to Cabinet for ratification. The Policy re-affirms the Government's commitment to the fight against HIV and AIDS and is intended, among other things, to promote a more supportive environment, and harness the energies of a broader spectrum of sectors and agencies in the National Response.

### **Disabled children**

42. The Special Needs Programme in the Turks and Caicos Islands is complemented by a strategic plan, which charts the way forward for quality service delivery for persons with special needs. The Social Development Department has conducted several public awareness and education programmes throughout various communities in the TCI and through the media to sensitise the public to the needs of people with disabilities. However, TCI society is generally not very sensitive to the needs of the disabled, and makes very little provision for special facilities to help those who are not able bodied.

43. Recreational and respite services can be very beneficial towards the total development of clients but it is hindered by lack of resources in particular inadequate manpower and funding. The Ministry of Social Services is putting the necessary machinery for the full operation of all centres, which will promote these services. But it has been noticed that some clients are regressing.

### **Social Security and child care services and facilities**

44. TCI law provides for the care and protection of children (The Juveniles Ordinance). Any police officer or supervisor may bring a juvenile in need of care or protection before a Juvenile Court. Where, as a result, a juvenile has been placed under the supervision of a Supervisor, that officer shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment, and may, if it appears necessary in his interest so to do, at any time while the order remains in force and he is under the age of sixteen years, bring him before a Juvenile Court.

45. The Government of the Turks and Caicos Islands provides some assistance to parents and guardians in the performance of their child rearing responsibilities through the Department of Social Development. Although these benefits are means-tested, great care is taken to ensure that the eligibility terms are non-discriminatory and non-stigmatizing to the families concerned. These programmes include: social enhancement aid; home help; childcare - including foster care, adoption, early childhood education; and welfare grant.

### **Early Childhood Education**

46. All though there are no public pre-schools on the island, children of parents or guardians who are unable to pay for this service have the right to benefit from this service and other facilities. The Department of Social Development assists parents with paying school fees for early childhood education.

### **Foster care**

47. Children who are in need of care and protection are usually placed with relatives or with a foster parent. The Department assumes all financial responsibility for the children. A weekly income is provided to the caretaker for the upkeep of the children, and every year the Department purchase all school supplies including books and uniforms for the children.

### **Welfare Grant**

48. The Department of Social Development also assists parents and guardians in providing basic amenities for children. These may include rent, electricity, furniture or any other item that will make the children comfortable.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

49. The Ministry of Education has adopted, and extended, the UNESCO International Commission on Education for the twenty-first century.

50. Several cohesive instruments direct education in the Turks and Caicos Islands. The Education Ordinance (1989), the Education Regulations and a dated Five Year Education Plan, for example, have guided the development of an "*Education For All Policy Document*". Elements of the Education Policy Document are already in effect, and other elements are being incrementally implemented. The policy document, for example, makes provision for all children, especially within the compulsory school age - four to sixteen years - to be provided with pre-primary, primary secondary and tertiary level education that is consistent with regional and

international standards. For the most part, education is provided through the public school system. However, on islands such as Grand Turk and Providenciales where economic activity has shifted demographic trends, student enrolment figures have outstripped seating capacity in institutions of learning. In such instances, the Ministry of Education has voluntarily subsidised children's education in private schools, thereby ensuring that no child is deprived of quality education.

51. In an effort to lower illiteracy rate, a Literacy Programme has been implemented and is managed at the departmental level by an Education Officer, and by teachers at the school level. In an effort to keep students abreast of scientific and technical knowledge, students are exposed to Information and Communication Technology (ICT) from as early as the primary school level. All primary schools have computer laboratories and eight of the ten schools have a Computer Teacher.

52. At the secondary level, students are exposed to a general education programme for the first three years. At the commencement of the fourth year, they are given the option of selecting educational clusters (Arts; Business; Science; Technical/Vocational; Careers Development) that are in tandem with career choices. Again, ICT is offered as a compulsory subject, and as an option within the Business Education and Careers Development Programmes. Guidance and Counselling programmes, managed by trained Guidance Counsellors, services are fully established at the four secondary schools.

53. While corporal punishment has not been abolished, it has to be authorized by the Minister. In practice, the Minister has not authorized any, so it should not take place.

#### **Rest, leisure, recreation and cultural and artistic activities**

54. The Education Policy Document recommends that "all schools should have access to outdoor track and field facilities either for independent use or shared by another school". It further recommends that "the Ministry of Education should train several persons as coaches in various sporting activities with a view to having a cadre of local coaches available for national sporting events". The recommendation has already been implemented as five young men, through the financial support of the Ministry of Education, are currently pursuing teacher education programmes in Physical Education. Students are encouraged to engage in cultural activities, through clubs and societies, school concerts, television programmes, and co-curricular and other extra-curricular activities.

### **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

55. There are currently no children applying for refugee status in the Islands. Any applications would be dealt with under the Immigration Ordinance, and in accordance with the UN Convention on Asylum. Children, specifically from Haiti, regularly arrive by sea on sloops with their parents or relatives, and are processed as unauthorized arrivals. The practice is to detain unauthorized arrivals for a short time (generally anywhere from 36/48 hours and up to a week)

while they are processed. They are then generally returned to their country of origin by air at TCI Government expense. Men and women are detained separately. Children remain with their parents, or in separate accommodation.

56. There are no children who have been in armed conflict on the islands.

#### **Training for Professionals dealing with Juvenile Justice**

57. Continuous training workshops have been conducted on the Convention as well as other relevant international human rights conventions for various professionals dealing with children including the police, teachers, social workers etc.

## ISLE OF MAN

### CHAPTER I: GENERAL MEASURES OF IMPLEMENTATION

1. The Committee expressed concern in paragraph 6 of the Concluding Observations that reservations to Articles 32 and 37 (c) of the Convention still apply to the Isle of Man. Withdrawal of the reservation to Article 32 will be considered shortly. However, it is not presently envisaged that it will be possible for the reservation to Article 37 (c) to be withdrawn.
2. With reference to the Committee's comments in paragraph 9 of the Concluding Observations the Isle of Man Government would note that as the Island is internally self-governing it, rather than the State party, is responsible for any law review and reform in the matters relating to the Convention in the Isle of Man. However, since the initial report there has been a significant updating of the legislation that affects the Island's children and young people. This includes:
  - Adoption (Amendment) Act 2001 - *This Act made provision for giving effect to the Convention on protection of children and co-operation in respect of inter-country adoption, concluded at the Hague on 29th May 1993; it also made further provision in relation to adoptions with an international element*
  - Children and Young Persons Act 2001 - *This Act re-enacted Parts I and II of the Family Law Act 1991; reformed the law relating to children; provided for social services for children in danger and in need; provided for the regulation of children's homes, fostering, child minding and day care; made new provision for human fertilisation, embryology and surrogacy*
  - Education Act 2001 - *This Act made new provision for education and connected purposes*
  - Matrimonial Proceedings Act 2001 - *This Act re-enacted with amendments certain enactments relating to matrimonial proceedings and property and made new provision for family homes and domestic violence.*
3. In addition, the Island has enacted the Human Rights Act 2001 which incorporates provisions of the European Convention on Human Rights into Manx law. This Act establishes a general rights framework in law for all of the Island's citizens, including its children and young people. It came fully into force on 1st November 2006.
4. Also, the Representation of the People (Amendment) Act 2006 lowered the age at which a person may vote in Isle of Man House of Keys Elections from 18 to 16 years.
5. A Children and Young People's Strategy Committee has been established with the following remit:

*“To review the policies relating to children whose behavioural difficulties were not being addressed by parents and carers and address the welfare needs of these children. The Committee would also be looking at the co-ordination and implementation of the key cross departmental policies applicable to children.”*

6. The Children and Young People’s Strategy Committee tasked a team of Officers from across Government to formulate a strategy for all children and young people. The Children and Young People’s Strategy 2005 - 2010 was received by Tynwald in July 2005. The overall aim of the Strategy is to:

*“... continue to improve the lives and health of all children and young people whilst recognising that some children, young people and their families need extra support.”*

7. The Strategy was shaped by an extensive consultation programme carried out in 2001/02 and autumn 2004 involving focus groups involving a range of gender, age, ability and geographical location, media and press, individual interviews and with young people at two conferences. Non government agencies were also included in the consultation through focus groups and through direct consultation.

8. Interim progress has been made towards sharing information through an Information Sharing Protocol and the setting up a data base of “looked after children” which contains information from education, youth justice and social services. Officer investigations have begun into an Information Sharing Index with the option of including only vulnerable children or all children under 19 years similar to that established in the UK.

9. In 2000 a multi-agency Health and Lifestyle Survey group was established by the Chief Secretary’s Office Drug and Alcohol Coordinator in partnership with DHSS and DoE initially and now with DHA also. This Group established a school survey programme using validated surveys by the World Health Organisation. Lifestyle monitoring is carried through with the first surveys taking place in November/December 2001, 2003 and 2005.

10. In paragraph 15 of the Concluding Observations the Committee recommended the establishment of a child rights focal point. The Council of Ministers’ Social Policy Committee has given initial consideration into this recommendation and is currently exploring options for the appointment of a Commissioner for children. In paragraph 17 of the Concluding Observations the Committee recommended that greater efforts be made to ensure that the Convention’s provisions are widely known and understood. Press coverage of the Isle of Man Government’s appearance before the Committee contributed to awareness of the Convention in the Island, as did the Government’s publication of the Concluding Observations and comments by the Council of Ministers thereon. This report will also be published and made available on the Isle of Man Government website.

11. The Children and Young People’s Strategy has been also published on the internet and is available in hard copy from the libraries. It makes reference to building on the United Nations Convention on the Rights of the Child and the five guiding principles of the Strategy are derived from the Convention.



12. The awareness of issues concerning the welfare and rights and children has also been significantly raised in the Isle of Man with the publication by Commission of Inquiry into the Care of Young People which published its Report in May 2006. This Commission of Inquiry was appointed by the Council of Ministers in October 2004 in response to concern over the circumstances surrounding the murder in 2002 of two young people who had been in care.

13. In October 2006 the Department of Health and Social Security appointed an advocate for children with disabilities to give children with disabilities the opportunity to voice their opinions relating to decisions that have a direct impact upon how they live their lives.

## **CHAPTER II: DEFINITION OF THE CHILD**

14. The position of in the Isle of Man remains substantially unchanged and generally analogous to that in the United Kingdom. However, certain references to legislation in paragraph 11 of the initial report are no longer valid and require updating:

(a) (The Children and Young Persons Act 1969 referred to paragraph 11 (b) has been largely repealed and replaced by, inter alia, the Children and Young Persons Act 2001. Under the 2001 Act a “child” means a person under 18 years of age except for certain exceptions detailed in the Isle of Man’s main report.

(b) A prohibition or restrictions may now be imposed on licensed premises, or in any specified room in the premises, in relation to the presence of persons below a specified age (not exceeding 18 years);

(c) That the age of consent for homosexual acts has now been equalised with that for heterosexual acts at 16;

(d) The Employment of Children Regulations 2005, made by the under section 54 of the Education Act 2001, now prohibit any child under 13 years from being employed in any work in the Isle of Man.

## **CHAPTER III: GENERAL PRINCIPLES**

15. Some sections of the Adoption Act 1984 have been amended or repealed as a result of the Adoption (Amendment) Act 2001, which made provision for giving effect to the Hague Convention on protection of children and co-operation in respect of intercountry adoption.

16. In December 2006 the Department of Education’s Youth Service launched it’s “Join In, Speak Up” campaign, which brings together under one banner a series of new and existing projects which aim to get the Island’s young people more actively involved in their local community and to give them greater responsibility.

17. As well as social workers, the Children and Family Services section within the Social Services Division has 3 family advisers, a children’s advocate, a senior psychologist and a looked after children’s therapist. In 2000 a Child Protection Training Officer was appointed.

18. The Sexual Offences (Amendment) Act 2006, which came into force on 1st September 2006, equalised the age of consent for sexual activity for homosexual males with that of other persons at 16 years. The Act also repealed section 38 of the Sexual Offences Act 1992, which prohibited the “promotion” of homosexuality.

19. The principal provisions concerning the welfare of children are now contained in the Children and Young Persons Act 2001. This Act has amended and reformed existing child-care legislation and made new provision concerning the welfare of children. The main principles and provisions embodied in the Children and Young Persons Act 2001 are as follows:

- the welfare of children must be the paramount consideration when the courts are making decisions about them
- the concept of parental responsibility has replaced that of parental rights
- children have the ability to be parties, separate from their parents, in legal proceedings
- the Department of Health and Social Security (DHSS) is charged with the duty to safeguard and promote the welfare of children who are suffering, or who are likely to suffer, significant harm
- certain duties and powers are conferred upon the DHSS to provide services for children and families
- the DHSS is charged with the registration and regulation of children’s homes
- the DHSS is charged with the regulation of privately fostered children, child minding and day care for children
- delays in deciding questions concerning children should be avoided as this is likely to prejudice their welfare
- there are new provisions for human fertilisation, embryology and surrogacy.

20. The right to life of all persons, children and adults alike, is now specifically recognised in Manx law by the Human Rights Act 2001.

21. The information in paragraph 30 of the initial report concerning the Department of Education seeking the views of pupils and students is still applicable. However, in addition, in the event of a formal appeal against the penalty of suspension for misbehaviour, legislative changes introduced in 2004 require the appeal body to invite the pupil (if it thinks fit having regard to the pupil’s age and understanding) to make representations and consider any representations made by him/her.

#### **CHAPTER IV: CIVIL RIGHTS AND FREEDOMS**

22. All pupils now have free access to the Internet within their schools.

23. The Education Act 2001 safeguards the legal rights of parents or guardians to withdraw their children from religious education or religious worship and to have access to denominational teaching of their choice.
24. Where the Department of Health and Social Security is looking after or proposing to look after a child, it shall before making any decision with respect to the child, so far as reasonably practicable, ascertain the wishes and feelings of the child, his parents, any other individual who has parental responsibility for him, and any other person whose wishes and feelings the Department considers to be relevant.
25. Under the Island's criminal justice system no child (or, indeed, any adult) may now be sentenced to any form of corporal punishment. The power of the Court of General Gaol Delivery to sentence a person to be whipped was abolished by the Criminal Justice Act 2001.
26. The use of corporal punishment in schools provided or maintained by the Department of Education has been prohibited by law since 2004, when the relevant provision (Section 10 (b)) of the Education Act 2001 came into force. Although corporal punishment in private sector schools is not specifically prohibited in Manx law, the Government understands that it does not take place in these schools as a matter of policy.
27. Paragraph 43 of the initial report stated that Manx law does not provide a statutory right of privacy. With the coming into force of the Human Rights Act 2001 this is no longer the case.

#### **CHAPTER V: FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

28. The Department of Home Affairs now has a domestic violence draft strategy and is currently addressing the issue politically. The Probation Division runs a domestic abusers course for those convicted, cautioned or self referring for domestic violence.
29. Manx law does not permit a child to be separated from his parent except with the parent's agreement or by a decision of a court of law.
30. The Department of Health and Social Security may apply to a court to place a child in the care of the Department, or put the child under the supervision of the Department or a probation officer. The court must be satisfied that the child is suffering or likely to suffer, significant harm; and that the harm is or will be attributable to the care given to the child, or likely to be given to him if the order were not made; or the child is beyond parental control.
31. No care order or supervision order may be made with respect to a child who has reached the age of 17 (or 16, in the case of a child who is married). Unless previously revoked, a care order continues in force until the child concerned reaches the age of 18. Where a child is in the care of the Department, the Department shall allow the child reasonable contact with the child's parents.
32. A juvenile court may no longer place a child in the care of the DHSS where there are criminal proceedings against the child.

33. Where no person has parental responsibility for a child, the child is lost or has been abandoned, or a person who has been caring for the child is prevented from providing him with suitable accommodation or care; the Department of Health and Social Security is under a duty to take the child into its care (*Children and Young Persons Act 2001 Section 25 (1)*).

34. The Department of Health and Social Security as of August 2006 had 107 looked after children, of which 18 were with their relatives on Island and 4 were with their relatives off Island, 24 were fostered on Island and 5 were fostered off Island, 46 were in children's homes, 1 in a secure unit, 1 at a resource centre, and 8 placed in the United Kingdom - 2 of which were in a residential school. In addition, the Department have children who have been placed with relatives who are not Looked After Children and are referred to as Kinship care.

35. The Department now contracts with one main charitable organisation for the provision in the Island of residential care for children - St. Christopher's Fellowship (Isle of Man) provides residential places for children and young people in need and five places (plus one emergency bed) in a secure unit for young people who are at risk to themselves or others. The Isle of Man Children's Centre also provides ten places for children and young people in need.

36. A Care and Contract Manager for children's services was appointed in 2003 to develop and oversee the Service Level Agreements with the service providers.

37. The homes are registered, inspected and monitored by the DHSS. The new Registration of Care Bill will encase in law the need for small homes as well as large homes to be registered, inspected and monitored.

38. In paragraph 27 of the Concluding Observations the Committee recommended that measures be taken to prohibit the use of corporal punishment in the home. The use of reasonable chastisement by a child's parent has not been prohibited and, as in the United Kingdom, there are presently no plans for this to happen. It is not considered that a prohibition on the use of reasonable chastisement in the home would be either practical or desirable.

## **CHAPTER VI: BASIC HEALTH AND WELFARE**

39. Vaccination against pneumococcal infection has been added to the Isle of Man's childhood immunisation programme.

40. In paragraph 77 of the initial report was reported as 6.4 deaths per 1,000 live births in 1992. The average number of deaths of children aged less than one year per 1,000 live births during the period 2000 to 2004 was 3.67.

41. The Isle of Man has updated the previous Drug and Alcohol Strategies from 1999 and 2000 respectively. These were externally evaluated in 2003 with a favourable report and recommended update after 5 years. The updated joint Strategy was launched in April 2005 and addresses the education and prevention aspects relating to young people. There is a Drug/Alcohol Education Liaison Officer who works with teachers, PSHE coordinators and youth workers in delivering and improving alcohol/drug sessions for each year group. In relation to treatment and support for young people with drug/alcohol problems the Drug and Alcohol Team has arranged for a worker to focus on seeing young people referred on a part time basis.

42. In relation to the issue of smoking, although not referred to in the initial report, the age at which a person can purchase tobacco products was raised by law in 1999 from 16 to 18 years. The Public Health (Tobacco) Act 2006 has now been passed. This includes measures aimed at reducing smoking such as controls on the advertising of tobacco and a prohibition on sponsorship by tobacco companies. It is also intended that from 1st March 2008 a ban on smoking in all enclosed public places will come into force.

43. The Isle of Man will have improved statutory provision in respect of maternity (and paternity) leave when subordinate legislation made under the Employment Act 2006 comes into force during 2007.

44. The Disability Discrimination Act 2006, when brought into force, will protect all of the Island's people from discrimination on the grounds of disabilities that they may have. It is envisaged that, given the wide-ranging implications of the Act, it will be phased in over a number of years, as happened in the United Kingdom.

45. It should also be noted that the welfare of children with disabilities is high on the agenda for the Department of Health and Social Security. A transition programme has been developed that assesses the needs of all looked after young people with disabilities as they move into adulthood. A number of different agencies are involved in the coordinated assessment from the age of 14 years in order to plan for a smooth transition to adult services.

## **CHAPTER VII: EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

46. Legislation which came into force in 2004 confirmed the Department of Education's aim to promote the spiritual, moral, social and cultural development of pupils (*the Education (Curriculum) (No. 2) Order 2004*) and placed a statutory obligation on the Department to ensure that sufficient schools are available to afford all pupils opportunities for education, including practical instruction and training, appropriate to their respective needs (*the Education Act 2001, sect. 2*).

47. The curriculum on offer to all pupils of compulsory school age in provided and maintained schools must, by law, include Manx Gaelic as a subject option. Manx history and culture are also required elements of the curriculum.

48. Run by Mooinjer Veggey in conjunction with the Department of Education, a Manx Gaelic Medium School (the Bunscoill Ghaelgagh) has been established and it now has the full range of year groups from Reception to Year 6. In autumn 2006 there were 47 pupils on its roll. Provision has been made with the Island's secondary school in Peel for these 11 years olds to be taught an element of the curriculum in Manx, so as to provide continuity for the children.

49. The prescribed curriculum for provided secondary schools emphasises the need for the curriculum for pupils aged 14-16 years to be relevant to the world of work and all pupils within that age range now have the opportunity to study NCVQs (National Council for Vocational Qualifications) as part of their normal curriculum.

50. The Department of Education has employed a third Education Liaison Officer (formerly entitled School Attendance Officers) since 2005. The duties of this officer include the monitoring of school attendance and child employment on the Island.

51. The number of pupils who persistently truant from school is relatively small and attendance and unauthorised absence rates on the Island compare favourably with the corresponding figures for maintained schools in England (see below).

52. In paragraph 34 of the Concluding Observations the Committee requested information on truancy rates in Island schools. The table below provides overall figures for primary and secondary schools during the academic year 2004/05. The figures for schools in England during that year are also provided for comparison.

<b>Academic Year 2004/05</b>			
	<b>Source</b>	<b>Attendance (%)</b>	<b>Unauthorised Absences (%)</b>
Primary Schools	England Average	94.57	0.43
	IoM Average	95.05	0.29
Secondary Schools	England Average	92.18	1.25
	IoM Average	92.71	1.15

53. The information provided in paragraph 90 of the initial report is still applicable. However, the Department of Education is in the process of developing an integrated policy for further education, vocational training and higher education which is intended to produce a comprehensive programme of initial, continuing, updating and re-training opportunities in all areas of economic activity to address existing skill gaps and create those skills which will drive the economy of the future.

54. The number of youth clubs maintained by the Department has increased from 17 to 22. These cater for children aged 11-13 years. The Department also maintains a total 17 Play Clubs, which cater for children aged 8-11 years, together with an Outdoor Education Centre and 15 special projects involving work with young people on the Island.

55. In order to increase higher education opportunities for students in the Isle of Man, particularly those seeking employment-related programmes, the Department recently assumed responsibility for the Isle of Man International Business School and has encouraged both it and the Isle of Man College to develop advanced courses.

56. The Department's contract with INCLUDE, referred to by the Committee in paragraph 34 of the Concluding Observations, has not been renewed. Instead, additional resources have been made available to schools to enable them to provide in-school support for pupils with emotional or behavioural concerns, and specialist behavioural support centres (one for pupils of secondary school age and a second for those of primary school age) have been established to cater for those pupils whose behavioural needs cannot be satisfactorily addressed within their own school community.

57. Following an external review of its Special Needs and Psychology Service, in February 2007 the Department of Education announced the drawing up of action plan to further improve the Department's performance in this area.

58. Apart from facilities at schools, the Department of Tourism and Leisure provides and promotes opportunities and access for residents and visitors to participate in quality leisure, recreation, sports and the arts. Children and young people are especially targeted in the promotion of sporting and leisure opportunities. The Department of Tourism and Leisure developed a £20 million National Sports Centre, which is highly accessible to children, both through schools and clubs and individually. Participation in sport by all sections of the community, including children, is actively promoted through the Sports Development Programme, with the parallel objective of assisting in the achievement of sporting potential. A Sporting and Healthy Schools Partnership has been formed to reflect the need to promote a healthier lifestyle and increased levels of physical activity amongst children and young people.

### **CHAPTER VIII: SPECIAL PROTECTION MEASURES**

59. Following the deaths of two young people in the care of Government in 2002, the Council of Ministers established a Commission of Inquiry into the Care of Young People. The Commission reported in May 2006 and consideration and implementation of the Report's 132 recommendations is progressing.

60. Under section 70 of the Children and Young Persons Act 2001 it is conclusively presumed that no child under the age of 10 years can be guilty of an offence, but it cannot be presumed that a child age 10 years or older is incapable of committing an offence. The Isle of Man Government noted the concern expressed by the Committee in paragraphs 18 and 19 of the Concluding Observations in respect of this proposal. However, the Government believes that there are protections built into the 2001 Act for children aged 10 years and older who are accused of an offence and there are presently no plans to raise the age of criminal responsibility, which is the same as that in the United Kingdom.

61. The reference to s.28 of the CYPA 1966 in paragraph 104 of the initial report is no longer valid. This provision has been replaced and expanded upon by s.76 of CYPA 2001. Where a child under 17 is committed to an ordinary court for trial, he is to be released on bail except in cases of homicide or if the court is of the opinion that only his detention in custody would be adequate to protect members of the public from death or serious personal injury occasioned by offences committed by him (*CYPA 2001, sect. 76 (2)*). A child may be remanded to accommodation provided by the DHSS where he is at risk of suffering significant harm or poses a risk of harm to the public (*CYPA 2001, sect. 76 (3)*).

62. The Department of Health and Social Security is required by Manx law in dealing with a child or young person who is brought before the court, either as being in need of care or protection or as an offender or otherwise, to safeguard and promote his welfare, maintain him, advise, assist and befriend him with a view to promoting his welfare after he ceases to be looked after by the Department of Health and Social Security.

63. Various government and independent agencies work to aid the physical and psychological recovery and social reintegration of child victims. A key role in developing effective joint

working and developing skills in this area is undertaken by the Island Child Protection Committee. Its principle tasks are to monitor and review inter-agency procedures, promote inter-agency training, identify issues from the handling of cases and to ensure proper public awareness of child protection issues.

64. The Department of Home Affairs worked closely with the Department of Health and Social Security in 2003 to provide for all children and young people, aged (or sentenced whilst) under seventeen years, to be accommodated in the new young person's secure unit at White Hoe.

65. Youth Crime was down from 295 arrests in 2004/5 to 289 arrests in 2005/6. Referrals to the Youth Justice Team rose from 595 in 2004/5 to 651 in 2005/6.

66. There is a scheme in place to actively help and support youths from pre-crime intervention through to post court conviction and supervision orders. Cases are usually referred to them via a partner agency. They consider the referral, analyse the facts and determine the appropriate response.

67. There are very few youths who have been given a custodial sentence. The Youth Justice Team and St. Christopher's Fellowship who are the service providers for the secure unit have developed an agreement regarding young persons remanded in custody.

68. A major review of the Island's legislation governing the employment of children resulted in the introduction, in 2005, of new statutory provision in this area - the Employment of Children Regulations 2005. No child under 13 years of age may now be employed in the Island and children aged 13-14 years are only permitted to undertake light work. Certain types of work are prohibited in the case of all young people under 18 years of age, and restrictions apply to the employment of children who are still of compulsory school age. In addition, legislation designed to offer added protection to children performing in film, TV and stage productions in the Isle of Man was introduced a year earlier, in 2004 (*the Performances by Children Regulations 2004*).

69. The Department of Education employs a full-time Drug and Alcohol Liaison Officer whose main responsibilities include providing guidance to schools regarding drug or substance abuse (including alcohol and tobacco) among young people and liaising with other relevant Government agencies.

70. Paragraph 37 of the Concluding Observations refers to the current reservation to Article 32 of the Convention and also to ILO Conventions No. 138 and No. 182. Preliminary consideration has been given to both the withdrawal of the reservation and the extension of the ILO Conventions to the Island. Further consideration will be given to these matters with a view to a decision being taken during 2007.



71. In addition to the updating of the Island's Drug Strategy, there is a drug arrest referral scheme mainly for adults but where young people are concerned they are referred to the Young People worker in the drug and alcohol team. There is also a juvenile alcohol referral scheme which is also a multi-agency response to alcohol-related problems and involves the youth justice team members with both statutory and non statutory agencies working with young people and their parents.

### **Optional protocols**

72. In paragraph 43 of the Concluding Observations the Committee recommended that the State party consider ratifying and extending to the Isle of Man the two Optional Protocols to the Convention. The decision of the State party on the ratification of the Optional Protocols is not a matter for the Isle of Man Government.

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