

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CRC A/51/41 (1996)

18. Concluding observations

467. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/11/Add.1) at its 204th - 206th meetings (CRC/C/SR.204-206), on 24 and 25 January 1995, and adopted, at its 208th meeting, on 26 January 1995, the following concluding observations.

(a) Introduction

468. The Committee appreciates the opportunity to engage in a constructive dialogue with the State party and welcomes the timely submission by the Government of the written responses to the Committee's list of issues. The Committee welcomes the additional oral information provided by the delegation of the State party which greatly assisted in clarifying many of the issues raised by the Committee. The additional oral information was particularly useful, in view of the Committee's observation that the initial report of the State party lacked sufficient information on the factors and difficulties impeding the implementation of various rights provided for in the Convention on the Rights of the Child.

(b) Positive factors

469. The Committee takes note of the adoption by the State party of a Children's Act applicable to England and Wales. The Committee also observes that the State party has extended the application of the Convention to many of its dependent territories. The Committee welcomes the intention of the State party to consider withdrawing the reservation it made to article 37 of the Convention as it relates to the procedures governing children's hearings in Scotland.

470. Moreover, the Committee welcomes the initiatives being taken by the State party to reduce the incidence of sudden infant death syndrome and to combat the problem of bullying in school. In addition, the Committee is encouraged by the steps taken to address the issue of sexual abuse of children, including through the development of the "Working Together" initiative, which advocates and promotes an interdisciplinary approach to addressing this serious problem.

471. The Committee welcomes the information it received concerning the commitment of the Government to review its legislation in the area of the employment of children and to present new legislation in matters relating to the family, domestic violence and disability. Likewise, the Committee welcomes the measures being taken to pass further legislation in the area of adoption, including the intention of the Government to ratify the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. The Committee takes note of the Code of Practice for Children with Special Educational Needs, which has statutory force and has

been developed within the framework of the 1993 Education Act.

472. The Committee takes note of the Government's commitment to extend the provision of pre-school education. The Committee is equally appreciative of the recent initiative taken by the State party to require local authorities, in conjunction with health authorities and non-governmental organizations, to draw up Children's Service Plans.

(c) Principal subjects of concern

473. The Committee is concerned about the broad nature of the reservations made to the Convention by the State party which raise concern as to their compatibility with the object and purpose of the Convention. In particular, the reservation relating to the application of the Nationality and Immigration Act does not appear to be compatible with the principles and provisions of the Convention, including those of its articles 2, 3, 9 and 10.

474. The Committee remains unclear about the extent to which an effective coordinating mechanism exists for the implementation of the Convention. It is concerned whether sufficient consideration has been given to the establishment of mechanisms, including of an independent nature, to coordinate and monitor the implementation of the rights of the child.

475. With respect to article 4 of the Convention, the Committee is concerned about the adequacy of measures taken to ensure the implementation of economic, social and cultural rights to the maximum extent of available resources. It appears to the Committee that insufficient expenditure is allocated to the social sector both within the State party and within the context of international development aid; the Committee wonders whether sufficient consideration has been given to the enjoyment of fundamental rights by children belonging to the most vulnerable groups in society.

476. The Committee notes that the initial report of the State party contains little information on the difficulties experienced by children living in Northern Ireland and the effect on children of the operation of emergency legislation there. The Committee is concerned about the absence of effective safeguards to prevent the ill-treatment of children under the emergency legislation. In this connection, the Committee observes that under the same legislation it is possible to hold children as young as 10 for seven days without charge. It is also noted that the emergency legislation which gives the police and the army the power to stop, question and search people on the street has led to complaints of children being badly treated. The Committee is concerned about this situation which may lead to a lack of confidence in the system of investigation and action on such complaints.

477. The Committee is concerned about the apparent insufficiency of measures taken to ensure the implementation of the general principles of the Convention, namely the provisions of its articles 2, 3, 6 and 12. In this connection, the Committee observes in particular that the principle of the best interests of the child appears not to be reflected in legislation in such areas as health, education and social security, which have a bearing on the respect for the rights of the child.

478. With regard to article 2 of the Convention relating to non-discrimination, the Committee

expresses its concern at the insufficient measures undertaken to ensure its implementation. In particular, it is concerned about the possible adverse effects on children of the restrictions applied to unmarried fathers in transmitting citizenship to their children, in contradiction of the provisions of articles 7 and 8 of the Convention. In addition, the Committee is concerned that children of certain ethnic minorities appear to be more likely to be placed in care.

479. Furthermore, in the light of article 6 of the Convention, the Committee expresses its concern at the health status of children of different socio-economic groups and those belonging to ethnic minorities.

480. In relation to the implementation of article 12, the Committee is concerned that insufficient attention has been given to the right of the child to express his/her opinion, including in cases where parents in England and Wales have the possibility of withdrawing their children from parts of the sex education programmes in schools. In this as in other decisions, including exclusion from school, the child is not systematically invited to express his/her opinion and those opinions may not be given due weight, as required under article 12 of the Convention.

481. The Committee notes with concern the increasing number of children living in poverty. The Committee is aware that the phenomenon of children begging and sleeping on the streets has become more visible. The Committee is concerned that the changed regulations regarding benefit entitlements to young people may have contributed to the increase in the number of young homeless people. The rate of divorce and the number of single-parent families and teenage pregnancies in the State party are noted with concern. These phenomena raise a number of issues, including as regards the adequacy of benefit allowances and the availability and effectiveness of family education.

482. The Committee is disturbed about the reports it has received on the physical and sexual abuse of children. In this connection, the Committee is worried about the national legal provisions dealing with reasonable chastisement within the family. The imprecise nature of the expression of reasonable chastisement as contained in these legal provisions may pave the way for it to be interpreted in a subjective and arbitrary manner. Thus, the Committee is concerned that legislative and other measures relating to the physical integrity of children do not appear to be compatible with the provisions and principles of the Convention, including those of its articles 3, 19 and 37. The Committee is equally concerned that privately funded and managed schools are still permitted to administer corporal punishment to children in attendance there which does not appear to be compatible with the provisions of the Convention, including those of its article 28, paragraph 2.

483. The administration of the juvenile justice system in the State party is a matter of general concern to the Committee. The low age of criminal responsibility and the national legislation relating to the administration of juvenile justice seem not to be compatible with the provisions of the Convention, namely articles 37 and 40.

484. The Committee remains concerned about certain of the provisions of the Criminal Justice and Public Order Act 1994. The Committee notes that its provisions provide, *inter alia*, for the possibility of applying "secure training orders" on children aged 12 to 14 in England and Wales.

The Committee is concerned about the compatibility of the application of such secure training orders on young children with the principles and provisions of the Convention in relation to the administration of juvenile justice, particularly its articles 3, 37, 39 and 40. In particular, the Committee is concerned that the ethos of the guidelines for the administration and establishment of Secure Training Centres in England and Wales and the Training Schools in Northern Ireland appears to lay emphasis on imprisonment and punishment.

485. The Committee is equally concerned that children placed in care under the social welfare system may be held in training schools in Northern Ireland and may be placed in the future in Secure Training Centres in England and Wales.

486. The Committee is also concerned that the Criminal Evidence (Northern Ireland) Order 1988 appears to be incompatible with article 40 of the Convention, in particular with the right to presumption of innocence and the right not to be compelled to give testimony or confess guilt. It is noted that silence in response to police questioning can be used to support a finding of guilt against a child over 10 years of age in Northern Ireland. Silence at trial can be similarly used against children over 14 years of age.

487. The situation of Gypsy and Traveller children is a matter of concern to the Committee, especially with regard to their access to basic services and the provision of caravan sites.

(d) Suggestions and recommendations

488. The Committee wishes to encourage the State party to consider reviewing its reservations to the Convention with a view to withdrawing them, particularly in the light of the agreements made in this regard at the World Conference on Human Rights and incorporated in the Vienna Declaration and Programme of Action.

489. The Committee would like to suggest that the State party consider establishing a national mechanism for the purpose of coordinating the implementation of the Convention, including between governmental departments and between central and local governmental authorities. Furthermore, the Committee suggests that the State party establish a permanent mechanism for the monitoring of the Children's Act and the Convention throughout the United Kingdom. It is further suggested that ways and means be established to facilitate regular and closer cooperation between the Government and the non-governmental community, particularly with those non-governmental organizations closely involved in monitoring the respect for the rights of the child in the State party.

490. With regard to the implementation of article 4 of the Convention, the Committee would like to suggest that the general principles of the Convention, particularly the provisions of its article 3, relating to the best interests of the child, should guide the determination of policy-making at both the central and local levels of government. This approach is of relevance to decisions taken about the allocation of resources to the social sector at the central and local governmental levels, including with regard to that allocation of benefits to children who have completed compulsory schooling and have no full-time employment. The Committee notes the importance of additional

efforts to overcome the problems of growing social and economic inequality and increased poverty.

491. With regard to matters relating to the health, welfare and standard of living of children in the United Kingdom, the Committee recommends additional measures to address, as a matter of priority, problems affecting the health status of children of different socio-economic groups and of children belonging to ethnic minorities and to the problems of homelessness affecting children and their families.

492. The Committee recommends that in line with the provisions of article 42 of the Convention, the State party should undertake measures to make the provisions and principles of the Convention widely known to adults and children alike. It is also suggested that teaching about children's rights should be incorporated into the training curricula of professionals working with or for children, such as teachers, the police, judges, social workers, health workers and personnel in care and detention institutions.

493. The Committee would like to suggest that greater priority be given to incorporating the general principles of the Convention, especially the provisions of its article 3, relating to the best interests of the child, and article 12, concerning the child's right to make their views known and to have these views given due weight, in the legislative and administrative measures and in policies undertaken to implement the rights of the child. It is suggested that the State party consider the possibility of establishing further mechanisms to facilitate the participation of children in decisions affecting them, including within the family and the community.

494. The Committee recommends that race relations legislation be introduced in Northern Ireland as a matter of urgency and is encouraged by the information presented by the delegation of the State party regarding the Government's intention to follow up on this matter.

495. The Committee would also like to suggest that a review be undertaken of the nationality and immigration laws and procedures to ensure their conformity with the principles and provisions of the Convention.

496. The Committee recommends that further measures be undertaken to educate parents about their responsibilities towards their children, including through the provision of family education which should emphasize the equal responsibilities of both parents. While recognizing that the Government views the problem of teenage pregnancies as a serious one, the Committee suggests that additional efforts, in the form of prevention-oriented programmes which could be part of an educational campaign, are required to reduce the number of teenage pregnancies.

497. The Committee is also of the opinion that additional efforts are required to overcome the problem of violence in society. The Committee recommends that physical punishment of children in families be prohibited in the light of the provisions set out in articles 3 and 19 of the Convention. In connection with the child's right to physical integrity, as recognized by the Convention, namely in its articles 19, 28, 29 and 37, and in the light of the best interests of the child, the Committee suggests that the State party consider the possibility of undertaking additional education campaigns.

Such measures would help to change societal attitudes towards the use of physical punishment in the family and foster acceptance of the legal prohibition of the physical punishment of children.

498. With regard to matters relating to education, the Committee suggests that children's right to appeal against expulsion from school be effectively ensured. It is also suggested that procedures be introduced to ensure that children are provided with the opportunity to express their views on the running of the schools in matters of concern to them. Further, the Committee recommends that the training curricula of teachers should incorporate education about the Convention. It is recommended that teaching methods should be inspired by and reflect the spirit and philosophy of the Convention, in the light of the general principles of the Convention and the provisions of its article 29. The Committee would also like to suggest that the State party consider the possibility of introducing education about the Convention into school curricula. Legislative measures are recommended to prohibit the use of corporal punishment in privately funded and managed schools.

499. The Committee also suggests that the State party provide further support to the teaching of the Irish language in schools in Northern Ireland and to integrated education schooling.

500. The Committee recommends that the emergency and other legislation, including in relation to the system of administration of juvenile justice at present in operation in Northern Ireland should be reviewed to ensure its consistency with the principles and provisions of the Convention.

501. The Committee recommends that law reform be pursued in order to ensure that the system of the administration of juvenile justice is child-oriented. The Committee also wishes to recommend that the State party take the necessary measures to prevent juvenile delinquency as set down in the Convention and complemented by the Riyadh Guidelines.

502. More specifically, the Committee recommends that serious consideration be given to raising the age of criminal responsibility throughout the areas of the United Kingdom. The Committee also recommends the introduction of careful monitoring of the new Criminal Justice and Public Order Act 1994 with a view to ensuring full respect for the Convention. In particular, the provisions of the Act which allow for, inter alia, placement of secure training orders on children aged between 12 and 14, indeterminate detention, and the doubling of sentences which may be imposed on 15- to 17-year-old children should be reviewed with respect to their compatibility with the principles and provisions of the Convention.

503. Within the context of the law reform being considered with regard to matters relating to the employment of children, the Committee expresses the hope that the State party will consider reviewing its reservation with a view to its withdrawal. Similarly, the Committee expresses the hope that the Government will consider the possibility of becoming a party to ILO Convention No. 138.

504. The issues of sexual exploitation and drug abuse as they affect children should also be addressed on an urgent basis, including with regard to the undertaking of further measures to prevent them.

505. The Committee is of the view that the implementation of the provisions of article 39 of the Convention deserves greater attention. Programmes and strategies should be developed to ensure that measures are in place to promote the physical and psychological recovery and social reintegration of a child victim of, inter alia, neglect, sexual exploitation, abuse, family conflict, violence, drug abuse, as well as of children in the system of administration of justice. Such measures should be applied within the national context but also within the framework of international cooperation.

506. In addition, the Committee recommends proactive measures for the rights of children belonging to Gypsy and Traveller communities, including their right to education, and that a sufficient number of adequately appointed caravan sites for these communities be secured.

507. The Committee also recommends that information on the implementation of the Convention in the dependent territory of Hong Kong be submitted to the Committee by 1996.

508. The Committee encourages the State party to disseminate widely the State party's report, summary records of the discussion of the report within the Committee and the concluding observations adopted by the Committee following its consideration of the report. The Committee would like to suggest that these documents be brought to the attention of Parliament and that the suggestions and recommendations for action contained therein be followed up. In this regard, the Committee suggests that closer cooperation with non-governmental organizations be pursued.

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10. Concluding observations: United Kingdom of Great Britain and Northern Ireland: dependent territories (Hong Kong)

355. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland: dependent territories (Hong Kong) (CRC/C/11/Add.9) at its 329th to 331st meetings, on 2 and 3 October 1996 (see CRC/C/SR.329-331), and, at its 343rd meeting, on 11 October 1996, adopted the following observations.

(a) Introduction

356. The Committee expresses its appreciation to the State party for the timely submission of both its report and written responses to the Committee's list of issues. The Committee welcomes the information provided by the delegation in its introductory statement and for the cooperative spirit which characterized the dialogue in the Committee.

357. The Committee notes the special situation facing Hong Kong as a territory over which there will be a change of sovereignty when it reverts to China on 1 July 1997. The Committee also notes that matters relating to the continued application of the Convention to Hong Kong, including reporting arrangements, are the subject of discussion between the Governments of the United Kingdom and China through the Joint Liaison Group.

(b) Positive aspects

358. Note is taken of the enactment of the Parent and Child Ordinance in 1993 which removes legal disadvantages that previously applied to illegitimate children. The Committee also welcomes the adoption of the Disability Discrimination Ordinance aimed at promoting the integration of persons with a disability into the community.

359. The Committee welcomes the various measures being taken by the Government to address the danger of guardians leaving children unattended at home.

360. Information provided on the operation by the Social Welfare Department of a telephone hotline to receive, inter alia, reports on child abuse cases is noted with appreciation. The Committee also takes note of the measures taken to promote awareness of common adolescent health problems and the telephone hotline service of the Central Health Education Unit of the Department of Health, which has been set up to deal with calls relating to this issue. The recruitment of secondary school students as health ambassadors in training programmes on common adolescent health matters is also noted with great interest. Equally, the launching of the new Student Health Service, a programme designed to cater for the health needs of schoolchildren aged between 6 and 18, is warmly welcomed, as is the establishment of the Health Care and Promotion Fund, which is designed to step up efforts for health promotion and disease prevention.

361. The Committee notes with appreciation the initiatives taken to make hospitals more baby and child friendly, including the measures being taken to improve paediatric ward facilities in hospitals and also to provide play areas for children in paediatric wards and areas for parents to stay with their children in hospital. The Committee also welcomes the improvements to the Comprehensive Social Security Assistance Scheme, particularly with respect to benefits available in implementation of articles 26 and 27 of the Convention.

362. The Committee welcomes the information presented by the delegation concerning the five research projects on children's rights currently being undertaken by universities and funded by the Government.

363. The Committee encourages the establishment of an independent body to consider complaints against the police in Hong Kong.

(c) Principal subjects of concern

364. With the extension of the Convention to Hong Kong in September 1994 further reservations to the Convention applicable to the territory of Hong Kong were deposited by the Government of the United Kingdom. It is a matter of regret to the Committee that the State party has not yet decided to withdraw its reservations, particularly as they relate to the issues of working hours for children, of juvenile justice and of refugees.

365. The Committee welcomes the adoption of the Bill of Human Rights Ordinance; it notes, however, that this Bill is unentrenched. The Committee, while acknowledging that the Bill contains provisions recognizing the two major human rights covenants, the articles of which also apply to children, considers it regrettable that the Bill contains no specific reference to the Convention on the Rights of the Child. In the light of this, and given the positive steps taken by the Government to adopt the Equal Opportunities Act and establish the Equal Opportunities Commission, it is also a matter of regret to the Committee that a similar strategy as pursued for gender equality has not been adopted for the rights of the child. In view of the Government's commitment to review legislation and policy regularly in the light of the principles and provisions of the Convention, the Committee is concerned that sufficient priority does not appear to have been given in the reviewing process to the possibility of establishing an independent monitoring body on the rights of the child and of pursuing an integrated and holistic approach to the adoption of legislation on the rights of the child.

366. While noting the positive steps taken to establish various mechanisms for the execution of policy and programmes for the implementation of the provisions of the Convention, the Committee remains concerned about the adequacy of coordination activities between concerned governmental institutions to ensure that the rights of the child are given priority.

367. The Committee is concerned that insufficient measures have been taken to ensure the fullest implementation of the general principles of the Convention, in particular those contained in articles 3 and 12, especially in the choice, formulation and application of policy measures to promote and protect the rights of the child. In this regard it is noted that a system for integrating

a child impact analysis into policy formulation and decision-making has not yet been put into place. It is also the view of the Committee that the persistence of certain attitudes relating to perception of the role children should play in the family, school and society may be delaying the full acceptance of the implementation of the provisions of articles 12 and 13 of the Convention in Hong Kong.

368. As regards the situation of illegal immigrant children from China and the issues it raises with respect to the question of families split between Hong Kong and China, the Committee is concerned that the increase in permits arranged for these children and their families, from 105 to 150, is manifestly insufficient to meet the needs of the estimated 60,000 children currently in China who may have the right of abode in Hong Kong after 1 July 1997.

369. Despite the measures taken to address the problems of child abuse, neglect and the number of accidents affecting children, these issues continue to give cause for concern. Equally, adolescent mental health issues, including the problem of youth suicide, is a matter of serious concern to the Committee.

370. The Committee is concerned about the apparent insufficiency of measures to encourage breastfeeding. The Committee notes that powdered milk for babies continues to be freely distributed in hospitals, contrary to international guidelines on this matter. Equally, the extent to which the statutory provisions relating to, *inter alia*, maternity leave and conditions of employment for nursing mothers are compatible with the principles and provisions of the Convention remains a matter of concern to the Committee.

371. The Committee is of the view that insufficient attention appears to have been given to the implementation of article 29 of the Convention, particularly in respect of according human rights education the necessary status within school curricula.

372. The broad question of the treatment of Vietnamese children in detention centres in Hong Kong deeply concerns the Committee. It is the observation of the Committee that these children have been and continue to be the victim of a policy designed to discourage further refugees from coming into the area. While it is granted that the situation is a complex one, the policy of the continued detention of these children is incompatible with the Convention.

373. In addition, the Committee is of the view that the low age of criminal responsibility is not in conformity with the principles and provisions of the Convention and regrets the decision not to raise the age of criminal responsibility.

(d) Suggestions and recommendations

374. The implementation of the principles and provisions of the Convention requires that priority be given to children's issues, particularly in the light of the principle of the "best interests of the child" and of the fact that Governments have, in international forums, agreed to the principle of "First call for children", including in the final document adopted by the World Conference on Human Rights. It is recommended, therefore, that in the formulation of policy options and

proposals there should be an accompanying assessment of its impact on children so that decision makers can be better advised when formulating policy as to its effect on the rights of the child. It is also suggested that steps be taken to reflect and duly take into account in national legislation the holistic and comprehensive approach to the implementation of the rights of the child recommended by the Committee. The Committee recommends the establishment of an independent mechanism specifically to monitor the implementation of government policy in relation to the rights of the child. It is noted that an independent mechanism could also play an important role in informing the public and legislature of the action being taken for the rights of the child. The Committee also recommends that children's rights be fully integrated into the discussions on issues concerning the transfer of sovereignty over Hong Kong and be accorded high priority in the dialogue on these and related matters in the Joint Liaison Group.

375. The Committee encourages efforts to involve civil society and non-governmental organizations more closely in the monitoring and implementation of the Convention, including with respect to the development of a comprehensive strategy for children in Hong Kong.

376. As part of the ongoing efforts to promote and protect the rights of the child, particularly in relation to the implementation of article 4 of the Convention, the Committee recommends that a further assessment be undertaken of the effectiveness of the present system of institutional coordination of policies and programmes on the rights of the child, especially with regard to child abuse. Moreover, the Committee would like to suggest that the collection and analysis of statistical data by age group be guided by the provisions of article 1 of the Convention. The Committee further suggests that consideration be given to undertaking or encouraging research on the development and use of indicators to monitor the progress of the implementation of all the principles and provisions of the Convention.

377. In connection with the ongoing efforts to raise awareness of human rights and children's rights among the population of Hong Kong, the Committee suggests that consideration be given to taking further measures to inform the general public about the Convention on the Rights of the Child and to incorporate education about human rights and children's rights in training programmes for professionals. The Committee encourages the incorporation of questions on the awareness and understanding of the public of the Convention and its principles and provisions in future civic awareness surveys.

378. The Committee would like to suggest that further consideration be given to evaluating the effectiveness of measures to raise awareness for the prevention and combating of discrimination and promoting of tolerance, particularly with respect to discrimination on the grounds of gender, ethnic origin, and discrimination against disabled children and children born out of wedlock.

379. With respect to the implementation of article 12 of the Convention, the Committee encourages the undertaking of a study, from the perspective of children as bearers of rights, on the subject of children's participation in the family, school and society, with a view to the formulation of recommendations on this matter.

380. The Committee recommends that further measures be taken to address the issue of illegal

immigrant children from China, especially with respect to the difficulties arising from families split between Hong Kong and China. It is the Committee's view that, in the light of the best interests of the child, action should be taken on an urgent basis to reduce the waiting period for family reunification, to raise the quota of permits and to consider other measures to deal with the problems that will arise in the future.

381. The Committee wishes to acknowledge once again the important efforts undertaken to deal with the question of child abuse. Notwithstanding this, the Committee is of the view that the prevention of this violation of children's rights requires further attitudinal changes in society, not only as regards the non-acceptance of corporal punishment and physical and psychological abuse, but also a greater respect for the inherent dignity of the child.

382. Despite the recent increase in the number of social workers employed for child abuse cases, it is the view of the Committee that the caseload of each professional may still be too high and the question of taking additional action to address such matters deserves further study. The Committee encourages the efforts made to accord high priority to and pursue more intensely the establishment of day-care centres in the community, including as a measure to prevent children being left unattended at home. In addition, the Committee encourages the initiative taken to ensure within future reviews of the Family Life Education Programme an assessment of its effectiveness in preventing child abuse.

383. With respect to improving the situation of disabled children, the Committee encourages the efforts being undertaken to integrate disabled children into regular schools, including through investment in structural changes to schools and support to the training of teachers to assist them in adjusting and adapting their teaching methods to the needs of disabled children.

384. The Committee recommends that a review be undertaken of the effectiveness of measures in place to support the policy of promoting and encouraging breastfeeding. It is recommended that the question of the free distribution of powdered milk for babies in hospitals, as well as the compatibility of conditions of employment with the obligation laid down in the Convention to encourage breastfeeding, should form an integral part of such a review.

385. The Committee suggests that a review be undertaken of the possible links between school pressures and adolescent health problems in view of the concerns raised on these issues during its discussion of the report. The Committee also suggests that the reasons for suicide among youth and the effectiveness of programmes for the prevention of suicide among children deserve further study.

386. The Committee recommends the incorporation of human rights education, including education about the Convention on the Rights of the Child, as a core curriculum subject in all schools. The Committee notes that this would require that sufficient time be allocated to this subject in the school timetable. The Committee also wishes to suggest that an evaluation of human rights awareness raising and education be undertaken in the future to determine its effectiveness in equipping children with tools for life and in encouraging their decision-making and ability to think analytically from the perspective of human rights. The Committee also wishes to recommend that

greater priority be accorded to the participation of children in school life, in the spirit of article 12 of the Convention, including in discussions about disciplinary measures and curricula development. Ways and means of ensuring the fuller implementation of article 31 of the Convention also appear to deserve further study.

387. With regard to the situation of Vietnamese children in detention, the Committee recommends that an evaluation of present and previous policy on this matter be undertaken, to ensure that any errors made are not repeated in the future. The Committee recommends that for the remaining children in detention a solution to their situation must be found in the light of the principles and provisions of the Convention. It is the view of the Committee, therefore, that measures must be taken immediately to ensure a marked improvement in their conditions of detention and that other measures to protect these children in the future must be put in place.

388. The Committee recommends that a review of legislation in relation to the issue of the age of criminal responsibility be undertaken with a view to raising this age in the light of the principles and provisions of the Convention.

389. The Committee recommends wide public distribution and dissemination of the State party report, the summary records of the discussion in the Committee and the present concluding observations.

390. The Committee recommends that the Government prepare a progress report on the measures taken to give effect to the suggestions and recommendations contained in the present concluding observations by the end of May 1997.

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165. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland - Isle of Man (CRC/C/11/Add.19 and Corr.1), received on 15 April 1998 and 14 September 1999, at its 647th meeting (see CRC/C/SR.647), held on 21 September 2000, and adopted* the following concluding observations.

A. Introduction

166. The Committee welcomes the submission of the State party's initial report on the Isle of Man, which followed the established guidelines, and the written replies to its list of issues (CRC/C/Q/UK-IM/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee expresses its satisfaction that the inclusion in the delegation of representatives from the Isle of Man who are directly involved in the implementation of the Convention allowed for a fuller assessment of the situation of the rights of children on the island.

B. Positive aspects

167. The Committee notes the Children and Families Services Plan (1997-2001) and the 1999 update of the Plan which dealt, *inter alia*, with children with disabilities, child protection, residential care, foster care and adoptions, juvenile justice and family support matters.

C. Subjects of concern and Committee recommendations

1. General measures of implementation

Reporting

168. The Committee notes with concern that the State party has not yet extended the Convention to all of its Crown Dependencies, specifically Jersey and Guernsey.

169. The Committee recommends that the State party submits in its next periodic report, information concerning the measures taken to extend the Convention to all of its Crown

At the 669th meeting, held on 6 October 2000.

Dependencies.

Reservations to the Convention

170. The Committee is concerned that the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Isle of Man. The Committee welcomes the island's commitment to discussing further the possible withdrawal of all of its reservations to the Convention.

171. In the light of the 1993 Vienna Declaration and Programme of Action, the Committee encourages the State party to consider the possibility of reviewing its reservations with a view to their full withdrawal, including with respect to the Isle of Man. In order to remove the apparent obstacles to the withdrawal of the reservation to article 37 (c) of the Convention, the Isle of Man is encouraged to reinforce its efforts to complete the construction of a separate security unit for children deprived of their liberty.

Legislation

172. The Committee notes that the Isle of Man will introduce in the next session of the legislature a new Children and Young Persons Bill, as well as bills to incorporate the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption of 1993 and the European Convention on Human Rights. The Committee is concerned, however, that domestic legislation in the Isle of Man does not fully reflect the principles and provisions of the Convention. In this context, the Committee expresses concern that the draft Children and Young Persons Bill focuses more on a social welfare and service approach rather than a rights-based approach to child protection and care.

173. The Committee encourages the State party to continue its efforts in the area of law review and reform in order to ensure that the laws are in full conformity with the principles and provisions of the Convention and reflect a rights-based approach to child protection and care.

Coordination

174. The Committee notes that the Department of Health and Social Security is the principal agency with responsibility for child welfare in the Isle of Man. The Committee further notes the role of the Department in the development and implementation of the Child Care Strategy, introduced in 1997. The Committee is concerned, however, that insufficient efforts have been made to establish a more comprehensive coordinating mechanism to promote and implement the Convention and to ensure greater involvement of all government agencies working with and for children, as well as the wider civil society, in the process. Concern is also expressed that non-governmental organizations (NGOs) were not included in the preparation of the report of the Isle of Man.

175. The Committee recommends that the Isle of Man establish a coordinating mechanism for the promotion and implementation of the Convention and allocate adequate resources (human and financial) to ensure its effective functioning. The Committee encourages the Isle of Man to continue its efforts to extend the Child Care Strategy for an additional five years and to develop the strategy further in order to ensure greater participation by all relevant government agencies and departments. It is also recommended that the Isle of Man consider elaborating a comprehensive plan of action for the implementation of the Convention. Additionally, the Isle of Man is encouraged to reinforce its efforts to include NGOs in the promotion, coordination and implementation of children's programmes. Efforts should also be made to ensure their participation in the preparation of the next periodic report of the Isle of Man.

Data collection

176. The Committee is concerned that the data collection mechanism of the Isle of Man includes the collection of data on children up to the age of 15 years only.

177. The Committee recommends that the Isle of Man take all appropriate measures to ensure the development of a comprehensive data collection mechanism that incorporates all the areas covered by the Convention and covers all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children in the juvenile justice system; children born out of wedlock; child victims of sexual abuse and neglect; institutionalized children; child victims of drug abuse; and children with disabilities.

Monitoring mechanisms

178. While the Committee notes that the Police Act provides for the creation of a police complaints commission to address human rights violations by the police, it is concerned that insufficient efforts have been made to establish a child rights focal point within the Commission to address complaints of violations of the rights of children by the police. The Committee also notes with concern that children are not allowed to submit complaints to the Police Complaints Commission unless a relevant adult is present while the statement of complaint is being taken. Concern is also expressed at the insufficient efforts made to establish an independent, child-friendly, human rights monitoring mechanism to review administrative decisions affecting children and to address complaints from children concerning violations of their rights by government agents other than the police.

179. The Committee recommends the establishment of a child rights focal point within the Police Complaints Commission. It also recommends that the Isle of Man consider introducing measures to facilitate children who wish to do so making complaints to the Commission in the absence of an adult. It further recommends that the Isle of Man reconsider establishing an independent, child-friendly, accessible mechanism, separate from the Police Complaints Commission, to address complaints from children concerning

violations of their rights and to provide remedies for such violations, in keeping with the Paris Principles (United Nations General Assembly resolution 48/134). In this context, the introduction of awareness-raising campaigns is encouraged in order to facilitate the effective use of these mechanisms by children.

Dissemination

180. The Committee notes that the Isle of Man has introduced a code of practice on access to government information which, inter alia, governs access to information on international agreements, including the Convention. The Committee also notes that the Isle of Man intends to make available, on its Web site, all of its periodic reports to United Nations human rights treaty bodies and to introduce training on human rights, including children's rights. However, the Committee is concerned that insufficient efforts have been made actively to disseminate the principles and provisions of the Convention and that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

181. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee encourages the Isle of Man to reinforce its efforts to introduce training on and/or sensitization about the Convention for professional groups working with and for children, such as judges, lawyers, law enforcement personnel, teachers, school administrators, health personnel, including psychologists and social workers, and personnel of child-care institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Committee also recommends that the Isle of Man integrate the Convention into the curricula at all levels of the educational system.

2. Definition of the child

182. The Committee notes with concern that the Children and Young Persons Bill proposes to abolish the presumption that children between the ages of 10 and 14 years are doli incapax (incapable of committing a criminal offence), which means that legally the minimum age of full criminal responsibility is lowered from 14 to 10 years. The Committee expresses concern regarding the low legal age for criminal responsibility in the Isle of Man (10 years). Additionally, the Committee is concerned that the law does not adequately provide for the special protection and care of children who have attained the age of 17 years.

183. The Committee strongly recommends that the Isle of Man reconsider its decision to abolish the principle of doli incapax for very young children. The Committee also recommends that the Isle of Man review its legislation with a view to increasing the age of criminal responsibility and to ensuring full conformity with the principles and provisions of the Convention. It further recommends that existing legislation be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

3. General principles

184. The Committee wishes to express its concern that the Isle of Man does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

185. It is the Committee's view that further efforts should be undertaken to ensure that the principles of the Convention are appropriately integrated into all legal amendments, as well as judicial and administrative decisions, and projects, programmes and services which have an impact on children. The Committee recommends that the Isle of Man take all appropriate measures to ensure that policy discussions and decision-making regarding the rights of children are guided by the general principles of the Convention, in particular the principle of respect for the views of the child.

Non-discrimination

186. The Committee expresses concern that the Isle of Man does not appear to have fully taken into account article 2 (the general principle non-discrimination) of the Convention in its legislation, its administrative and judicial decisions, or its policies and programmes relevant to children. In this context, concern is expressed at the insufficient efforts made to provide against discrimination based on sexual orientation. While the Committee notes the Isle of Man's intention to reduce the legal age for consent to homosexual relations from 21 to 18 years, it remains concerned about the disparity that continues to exist between the ages for consent to heterosexual (16 years) and homosexual relations.

187. It is recommended that the Isle of Man take all appropriate measures, including of a legislative nature, to prevent discrimination based on the grounds of sexual orientation and to fully comply with article 2 of the Convention.

4. Family environment and alternative care

Domestic violence, ill-treatment and abuse

188. The Committee notes the efforts of the Isle of Man to prevent domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children through, inter alia, the introduction of the Child Protection Policy, the employment of family aids to work with at risk families and the establishment of family centres to provide training in parenting. In this regard, the Committee also notes the establishment of a sex offenders therapy programme for adult perpetrators found guilty of child abuse. The Committee remains concerned, however, at the increasing incidence of domestic violence, child abuse, including

sexual abuse, and ill-treatment and neglect of children.

189. In the light of article 19, the Committee recommends that the Isle of Man reinforce its efforts to prevent and combat domestic violence, child abuse, including sexual abuse, and ill-treatment and neglect of children. It is further recommended that the Isle of Man take all appropriate measures to ensure that cases of domestic violence, ill-treatment and sexual abuse of children are properly investigated within a child-friendly judicial procedure and that sanctions are applied to perpetrators, due regard being given to protecting the right to privacy of the child. Additionally, all appropriate measures should be taken to guarantee the physical and psychological recovery and social reintegration of child victims, in accordance with article 39 of the Convention.

Corporal punishment

190. While noting that the Education Bill 2000 will prohibit the use of corporal punishment in schools and that the Criminal Justice Bill 2000 will prohibit its use within the juvenile justice system, the Committee is gravely concerned that corporal punishment is still practised and widely accepted in the Isle of Man.

191. The Committee recommends that the Isle of Man reinforce its efforts to prohibit by law and eliminate the use of corporal punishment in schools, care institutions and the juvenile justice system. The Committee further recommends that the Isle of Man take all appropriate measures to prohibit the use of corporal punishment in the home. In this context, it is suggested that awareness raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

5. Basic health and welfare

Adolescent health

192. The Committee notes the efforts of the Isle of Man to address adolescent health concerns, particularly in the area of alcohol abuse. In this regard, the Committee notes the elaboration of an alcohol strategy and the development of an alcohol prevention programme at the secondary school and college levels. While welcoming the "Smoke Busters" programme introduced at the primary and lower secondary school levels to prevent and combat smoking among children, the Committee expresses concern that cigarette smoking is still prevalent among school-age children, especially girls. While the Committee notes the enactment of the Mental Health Act, which came into force in April 2000, it is concerned that additional efforts are needed to strengthen child mental health services. The Committee further notes that additional efforts are also needed better to address adolescent reproductive health concerns, particularly as regards teenage pregnancy and sexually transmitted diseases (STDs).

193. The Committee encourages the Isle of Man to reinforce its efforts in addressing drug and alcohol abuse and cigarette smoking among adolescents, especially among schoolgirls. The Committee recommends that all appropriate measures be taken to strengthen reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent reproductive health concerns, including the incidence of STDs. Additionally, it is recommended that the Isle of Man undertake further measures, including the allocation of adequate human and financial resources, to ensure the provision of youth-friendly care, counselling and rehabilitation services for adolescents and to strengthen child mental health services.

Disabilities

194. The Committee notes the efforts of the Isle of Man to establish programmes for children with disabilities, including integration and community based care programmes. It is concerned, however, that insufficient efforts have been made to ensure adequate legal protection of children with physical disabilities.

195. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the recommendations the Committee adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV, sect. D), the Committee recommends that additional efforts be made to: enhance early identification programmes to prevent disabilities; strengthen special education programmes for children with disabilities; and, where possible, encourage the inclusion of children with disabilities in the regular school system and more generally in society. Adequate resources should be allocated to ensure the effective implementation of programmes for children with disabilities and to encourage further training for professionals working with and for these children. The Committee also recommends the enactment of legislation to guarantee the rights of children with physical disabilities.

Social security

196. The Committee notes that the Isle of Man's social security system provides financial support to families with children and additional assistance to single parent and low income families. The Committee also notes that the social security system provides for the training, education and employment of young people aged 16 and 17 years who are unable to find employment. The Committee is concerned, however, that additional efforts are needed to strengthen the social security system to ensure the full implementation of the economic, social and cultural rights of all children below the age of 18 years.

197. The Committee encourages the Isle of Man to reinforce its efforts to provide adequate support and assistance through its social security support for economically

disadvantaged children below the age of 18 years.

6. Education, leisure and cultural activities

198. The Committee welcomes the “INCLUDE” programme and the “Bridge” project, which provide additional support to students with behavioural concerns. It is noted with appreciation that student councils have been established to encourage the participation of such children within the school environment. The Committee notes that the Manx Gaelic language is currently taught as an option in all primary schools for a two-year period and that the Department of Education is currently reviewing the possibility of establishing a Gaelic-medium School, to commence in September 2002. While the Committee notes that the Isle of Man has appointed attendance officers to ensure the regular attendance at school of students of compulsory school age, it is concerned about the insufficient information provided on truancy and drop-out rates and the programmes implemented to prevent and discourage these practices. The Committee notes that the efforts to include the National Council for Vocational Qualifications (NCVQ) courses in the school curriculum for students between the ages of 14 and 16 years have regrettably been unsuccessful. While noting that students may, through their parents, discuss with the school principal any concerns regarding violations of their rights, the Committee is concerned that insufficient effort has been made to establish a formal complaints procedure for students whose rights have been violated.

199. The Committee encourages the Isle of Man to continue its efforts in promoting the Gaelic language in schools. The Committee recommends that the Isle of Man provide additional information on the actual situation of education in its next periodic report, particularly as regards truancy and drop-out rates. The Committee encourages the Isle of Man to continue its efforts to develop vocational options for children between the ages of 14 and 16 years. The Committee further encourages the Isle of Man to establish a complaints procedure within the school system for students, at all levels, whose rights have been violated.

7. Special protection measures

Child labour

200. The Committee notes the Isle of Man’s reservation with respect to article 32 of the Convention and is concerned about the lack of information and adequate data on the situation with regard to child labour and economic exploitation in the island.

201. The Committee encourages the Isle of Man to consider withdrawing its reservation to article 32 of the Convention. The Committee recommends that the State party undertake a comprehensive study to assess the situation with regard to child labour in the Isle of Man. Additionally, the Committee encourages the Isle of Man to introduce and/or strengthen, where appropriate, monitoring mechanisms to ensure the enforcement of labour laws and to protect children from economic exploitation, particularly in the informal sector. The Committee also suggests that the State party consider extending to the Isle of Man ILO

Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour. The Committee further suggests that the State party consider extending to the Isle of Man ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Drug and substance abuse

202. The Committee notes that the Isle of Man has elaborated a five year drug strategy and developed a drug prevention programme at the secondary school and college levels. However, the Committee is concerned about the increasing incidence of drug abuse among youth on the island. The Committee notes the introduction of an “arrest referral scheme” and welcomes any steps to divert child victims of drug abuse from entering the criminal justice system.

203. In the light of article 33 of the Convention, the Committee recommends that the Isle of Man reinforce its programmes to guarantee greater protection of children against the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. The Isle of Man is also encouraged to continue its efforts to strengthen rehabilitation programmes for child victims of drug and substance abuse.

Juvenile justice

204. The Committee notes the efforts of the Isle of Man in the area of juvenile justice, in particular the recent enactment of the Police Powers and Procedures Act (1998) which, *inter alia*, introduces additional safeguards for children under the age of 17 years who come into conflict with the law. The Committee regrets that the Act does not provide adequate legal protection for all children below the age of 18 years. The Committee notes that the Isle of Man legislature is currently considering the Criminal Justice Bill 2000, which is intended, *inter alia*, to prohibit the imposition of corporal punishment as a sentence by the island’s courts. The Committee is concerned about the dearth of information regarding the practical implementation of the legislative and policy initiatives undertaken in the juvenile justice system, particularly with respect to:

(a) The attempts to shorten the length of time before the hearing of juvenile cases; the adequacy of facilities for children in conflict with the law, including girls; and the availability of trained personnel to work with children in this regard;

(b) Adequate access to education, health, counselling and other rehabilitative services; and the availability of a complaints mechanism for children whose rights have been violated.

205. The Committee recommends that the State party submit, in its next periodic report, additional information regarding the practical implementation of the legislative and policy initiatives undertaken in the Isle of Man within the juvenile justice system to ensure that:

(a) The juvenile justice system is reformed in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, 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) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Training programmes on relevant international standards are introduced for all professionals involved with the juvenile justice system;

(c) Deprivation of liberty is considered only as a measure of last resort and for the shortest possible period; the rights of children deprived of their liberty are protected, including their right to privacy; and children remain in contact with their families while in the juvenile justice system.

206. The Committee encourages the Isle of Man to reinforce its efforts to enact the Criminal Justice Bill 2000, which will prohibit by law the imposition of corporal punishment as a sentence by the island's courts.

8. Ratification of the Optional Protocols

207. The Committee recommends that the State party consider ratifying and extending to the Isle of Man the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

9. Dissemination of reports

208. The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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209. The Committee considered the initial report of the United Kingdom of Great Britain and Northern Ireland - Overseas Territories (CRC/C/41/Add.7 and 9), received on 26 May 1999, at its 647th and 648th meetings (see CRC/C/SR.647-648), held on 21 September 2000,

and adopted* the following concluding observations.

A. Introduction

210. The Committee welcomes the submission of the State party's initial report on the Overseas Territories, which followed the established guidelines, and the written replies to its list of issues (CRC/C/Q/UK-OT/1). The Committee is encouraged by the constructive, open and frank dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee expresses its satisfaction that the delegation included representatives from a number of the Overseas Territories who are directly involved in the implementation of the Convention, which allowed for a fuller assessment of the situation of the rights of children in the Territories.

B. Positive aspects

211. The Committee welcomes the efforts of the State party in the area of early childhood health, evident in the high rate of immunization (90-100 per cent coverage) and low incidence of vaccine preventable diseases, as well as the relatively low rate of infant and child mortality.

C. Factors and difficulties impeding the implementation of the Convention

212. The Committee acknowledges that the significant number of Overseas Territories, widely dispersed across the globe, have diverse cultures, as well as diverse levels of economic and social development and varying degrees of autonomy. The Committee also notes the remoteness of some of the territories and their vulnerability to natural disasters. In particular, the Committee notes the devastation caused by the eruption of the Soufriere Hills volcano in Montserrat, which destroyed approximately two thirds of the island. The Committee further notes that their small size and the limited availability of skilled human resources adversely affect the full implementation of the Convention in the Overseas Territories.

D. Subjects of concern and recommendations of the Committee

1. General measures of implementation

Extension of the Convention and reporting

213. The Committee is concerned that the Convention on the Rights of the Child has not yet been extended to all of the State party's Overseas Territories, including Gibraltar. The Committee is also concerned that while the United Kingdom's notification (7 September

* At the 669th meeting, held on 6 October 2000.

1994) to the United Nations regarding the extension of the Convention to the Overseas Territories indicated that the Convention had been extended to Henderson, Ducie, Oeno and South Georgia and the South Sandwich Islands, the State party report does not include information on these Territories.

214. The Committee recommends that the State party submit, in its next periodic report, information on the measures taken to extend the Convention to all the Territories within its jurisdiction. It also recommends that the State party take all appropriate measures to facilitate the timely submission of its reports on all of its Overseas Territories to which the Convention on the Rights of the Child has been extended.

Reservations to the Convention

215. The Committee is concerned that the reservations made by the State party with respect to articles 32 and 37 (c) of the Convention on the Rights of the Child have not yet been withdrawn and are still applicable to the Overseas Territories. It also notes with concern that the reservation to article 22 of the Convention made in respect to the Cayman Islands has not yet been withdrawn.

216. In the light of the 1993 Vienna Declaration and Programme of Action, the Committee encourages the State party to consider the possibility of reviewing the reservations with a view to their full withdrawal including with respect to all the Overseas Territories.

Legislation

217. The Committee notes that efforts have been made in a number of the Overseas Territories to introduce legislative reform and facilitate the implementation of the Convention. In this regard, the Committee notes that Bermuda has enacted the Children's Act (1998), the Child Abduction Act (1998), which gives effect to the Hague Convention on the Civil Aspects of Child Abduction, and the Domestic Violence (Protection Orders) Act (1997). The Cayman Islands have enacted the Maintenance Law (1996 Revisions), the Youth (Detention Facility) Order (1996) and the Youth Justice Law (1995). The Falkland Islands and St. Helena have both adopted a children's ordinance, in 1994 and 1996 respectively. The Committee notes with concern that the Children's Law in the Cayman Islands, enacted in 1995, has not been brought into force and that additional amendments are due to be made to the law. While the Committee notes the intention of a number of the Overseas Territories to introduce additional legislative reform, it remains concerned that domestic legislation in the Territories still does not fully reflect the principles and provisions of the Convention.

218. The Committee recommends that the State party undertake a legal compatibility review to ensure that domestic legislation in each of the Overseas Territories fully conforms with and positively reflects the principles and provisions of the Convention. The Committee

encourages the Cayman Islands to reinforce its efforts to amend and bring into force its Children's Law. The Committee also encourages the adoption of comprehensive child rights codes in the Territories.

Coordination

219. The Committee notes that mechanisms for coordinating the implementation of the Convention have been established in Bermuda, the British Virgin Islands, Montserrat and St. Helena. However, it is concerned that similar efforts have not been made in all of the Overseas Territories. The Committee is also concerned that national plans of action for children have not yet been elaborated in the Territories. Concern is also expressed at the insufficient efforts made to involve non-governmental organizations (NGOs) in the coordination and implementation of the Convention.

220. The Committee recommends that the State party reinforce its efforts to ensure that adequate resources (human and financial) are allocated to facilitate the effective functioning of those coordinating mechanisms already established in the Overseas Territories and to assist further in establishing mechanisms in Territories where they have not yet been established. The Committee further encourages the Overseas Territories to undertake appropriate measures to elaborate and implement a national plan of action for children based on the principles and provisions enshrined in the Convention. The Territories are encouraged to take all appropriate measures to facilitate the inclusion of NGOs in the promotion and implementation of the Convention.

Data collection

221. The Committee notes with concern the lack of adequate data-collection mechanisms in most of the Overseas Territories to ensure the collection of disaggregated data on all aspects of the Convention and effectively to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. In this context, the Committee notes that data collection in the Overseas Territories generally covers children up to the age of 15 years only.

222. The Committee recommends that a comprehensive system of data collection be introduced with respect to each of the Overseas Territories, incorporating all the areas covered by the Convention. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children living in poverty; children in the juvenile justice system; children born out of wedlock; teenage mothers; sexually abused children; institutionalized children; and children living in isolated island communities.

Monitoring mechanisms

223. While the Committee notes the existence of the Human Rights Commission in Bermuda, the Child Protection Group in St. Helena and Complaints Commissioners in the

British Virgin Islands and the Turks and Caicos Islands to handle complaints of violation of the rights of children, it is concerned that insufficient efforts have been made to establish focal points for children within these mechanisms. The Committee also notes the intention of the Cayman Islands to establish an Ombudsman. It is concerned that Anguilla, the Falkland Islands and Montserrat have not yet established independent mechanisms to register and address complaints from children concerning violations of their rights under the Convention.

224. The Committee recommends the establishment of child rights focal points within the human rights monitoring mechanisms in Bermuda, the British Virgin Islands, St. Helena and the Turks and Caicos Islands. Additionally, the Committee recommends that all appropriate measures be taken to ensure that these mechanisms are independent, child friendly and accessible to children. The Committee also encourages the establishment of independent, child-friendly monitoring mechanisms in the other Overseas Territories to deal with complaints of violations of the rights of children and to provide remedies for such violations. Such mechanisms should also include focal points for children. The Committee further suggests that awareness-raising campaigns should be undertaken to facilitate the effective use of monitoring mechanisms by children.

Budgetary allocations

225. The Committee is concerned that, in the light of article 4 of the Convention, not enough attention has been paid in allocating budgetary resources in favour of the implementation of the economic, social and cultural rights of children “to the maximum extent of ... available resources”.

226. In the light of articles 2, 3 and 6 of the Convention, the Committee encourages the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, to the maximum extent of available resources and, where needed, within the framework of international cooperation.

Dissemination of the principles and provisions of the Convention

227. The Committee is concerned that insufficient efforts have been made to disseminate the principles and provisions of the Convention and that professional groups, children, parents and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein.

228. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike. The Committee also recommends the reinforcement of adequate and systematic training and/or sensitization of professional groups working with and for children, such as judges; lawyers; law enforcement personnel; teachers; school administrators; health personnel,

including psychologists and social workers; and personnel of childcare institutions. Efforts should also be made to raise awareness among the media about the rights of children. The Committee further encourages the integration of the Convention into the curricula at all levels of the educational system in the Overseas Territories.

2. Definition of the child

229. The Committee expresses concern regarding the low legal age of criminal responsibility in the Overseas Territories (8-10 years). Concern is also expressed at the low minimum age for the consumption of alcohol in private in the Falkland Islands (5 years). Additionally, the Committee is concerned that the law in most of the Overseas Territories does not provide for the special protection and care of children who have attained the age of 17 years.

230. The Committee recommends a review of domestic legislation in the Overseas Territories, particularly as regards the legal age for criminal responsibility, to ensure full conformity with the provisions and principles of the Convention. It further recommends that existing legislation be reviewed so as to guarantee adequate protection and care for all children below the age of 18 years.

3. General principles

231. The Committee wishes to express its concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and judicial decisions, or in its policies and programmes relevant to children.

232. It is the Committee's view that further efforts should be undertaken to ensure that the principles of the Convention, in particular the general principles, not only guide policy discussion and decision-making, but are also appropriately integrated in all legal amendments as well as in judicial and administrative decisions and in projects, programmes and services which have an impact on children.

Non-discrimination

233. The Committee notes that the State party has requested the authorities of the Overseas Territories to consider the introduction of specific legislation against racial discrimination and that some of the Territories have acceded to that request. However, the Committee remains concerned that insufficient efforts have been made to ensure the full implementation of article 2 of the Convention and that discrimination based on gender, sexual orientation and birth status remains apparent in some of the Overseas Territories. In this regard, the Committee notes that legislation, relating to these issues, particularly with respect to sexual abuse and exploitation, as well as the legal minimum age for sexual consent,

refers only to girls and does not provide equal and adequate protection for boys. Concern is expressed at the growing gender bias faced by boys evident, *inter alia*, in their academic underachievement in many of the Overseas Territories, especially the Falkland Islands and the Territories in the Caribbean. The Committee also notes the disparity between the ages for sexual consent to heterosexual and homosexual relations in some of the Overseas Territories. The Committee expresses concern that insufficient effort has been made in many of the Territories to prevent discrimination against teenage mothers and children born out of wedlock.

234. The Committee recommends review of domestic legislation in the Overseas Territories to ensure full compliance with article 2 of the Convention and to prevent and combat discrimination, especially as regards gender, sexual orientation and birth status. In particular, the Territories should amend their legislation to ensure that boys are provided equal and adequate protection against sexual abuse and exploitation. Additionally, the Committee recommends that all appropriate measures be taken to address discrimination arising from the socialization of boys and girls into inappropriate gender roles and the resulting determination of social attitudes concerning children based on gender.

Respect for the views of the child

235. The Committee notes that in many of the Overseas Territories efforts have been made to ensure respect for the views of the child in family courts, in accordance with his or her evolving capacity. However, it is concerned that insufficient efforts have been made in many of the Overseas Territories to ensure the full implementation of article 12 of the Convention.

236. The Committee recommends that the Overseas Territories seek to reinforce the necessary infrastructure and develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family, communities, schools and care, administrative and judicial systems.

4. Family environment and alternative care

Parental guidance and responsibility

237. The Committee notes with concern the large number of single parent families in the Overseas Territories, especially in Bermuda and the Territories in the Caribbean. The Committee also expresses concern at the apparent lack of legal protection with respect to the rights, including maintenance and inheritance rights, of children born out of wedlock from “visiting” or “common law” relationships in these Territories. The Committee expresses further concern regarding the financial and psychological impact of visiting relationships on children. The lack of sufficient support and counsel in the areas of parental guidance and responsibilities are also matters of particular concern. The Committee also notes with concern that the high rate of migration from the Territories in the Caribbean has also negatively affected parental responsibility and guidance.

238. The Overseas Territories are encouraged to increase their efforts in developing family education and awareness through, *inter alia*, providing support, including training for parents, parenting and in exercising joint parental responsibilities, in the light of article 18 of the Convention. The Committee also recommends that the Overseas Territories take all appropriate measures, including of a legal nature, to ensure that the rights of children born out of wedlock are protected. The Committee further recommends that the State party undertake a study on the situation of single parent families and visiting relationships in the Caribbean Territories and the impact (both financial and psychological) on children.

Alternative care

239. While the Committee notes that legal and administrative processes have been established in all of the Overseas Territories to provide alternative care for children, it is concerned about the insufficient monitoring of placements in some of the alternative care programmes. While the Committee notes that children from the Turks and Caicos Islands who cannot be placed locally with a relative or willing independent person are no longer sent to alternative care institutions in Jamaica, it is concerned at the lack of information about the current situation of alternative care facilities in the Turks and Caicos Islands. Concern is expressed about the insufficiency of independent complaint mechanisms for children in alternative care institutions, as well as the lack of available trained personnel in this field. Concern is also expressed at the continued practice of informal adoption in some of the Overseas Territories.

240. The Committee recommends that additional training, including in children's rights, be provided for social and welfare workers and that independent complaints mechanisms be established for children in those Territories where there are alternative care institutions. The Committee also recommends that consideration be given to the establishment of a code of standards to ensure the adequate care and protection of children deprived of a family environment. In the light of articles 3 and 20 of the Convention, the Committee recommends a review of the alternative care programme in the Turks and Caicos Islands with a view to ensuring the best interests of the child. In the light of article 21 of the Convention, the Committee recommends that the monitoring procedures for foster care and domestic and intercountry adoptions be strengthened. Additionally, all appropriate measures should be taken to monitor the practice of informal adoption and to prevent abuse in this regard. The Committee encourages the United Kingdom to consider extending the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption to the Overseas Territories.

Domestic violence, ill-treatment and abuse

241. The Committee notes the efforts of some of the Territories, in particular Bermuda, the Cayman Islands and the Falkland Islands, to provide greater protection and support to child victims of abuse and to introduce training for professionals, including police officers,

working with and for child victims of abuse. However, the Committee expresses its concern at the increasing incidence and lack of awareness of and information on domestic violence, ill-treatment and abuse of children, including sexual abuse. Concern is also expressed at the insufficient financial and human resources allocated, as well as the inadequate programmes established, to prevent and combat these concerns in many of the Territories. The Committee notes with concern that the Overseas Territories, with the exception of Bermuda, have not introduced mandatory reporting of ill-treatment and abuse of children. While the Committee is aware of the limitations of the Territories, primarily with respect to small size, it is concerned that insufficient efforts have been made to protect the right to privacy of child victims of abuse.

242. In the light of article 19, the Committee recommends that the State party undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate policy measures and contribute to changing traditional attitudes in all Overseas Territories. The Committee also recommends that all appropriate measures be taken to introduce effective mechanisms for the timely reporting of ill-treatment and abuse of children. It further recommends that cases of domestic violence, ill-treatment and sexual abuse of children be properly investigated within a child-friendly judicial procedure, and sanctions applied to perpetrators, due regard being given to protecting the right to privacy of the child. Measures should also be taken to ensure the physical and psychological recovery and social reintegration of victims, in accordance with article 39 of the Convention, and prevention of the criminalization and stigmatization of victims.

Corporal punishment

243. The Committee expresses grave concern that corporal punishment is still widely practised in many of the Overseas Territories and that domestic legislation generally does not prohibit and eliminate its use in schools, care institutions and homes. It also notes with concern that the British Virgin Islands is the only remaining Territory that has not yet prohibited by law the use of judicial corporal punishment.

244. The Committee recommends that all appropriate measures, including of a legislative nature, be taken to prohibit and eliminate all forms of corporal punishment within the school, juvenile justice and alternative care systems and in the home. The Committee further suggests that awareness raising and education campaigns be conducted to change public attitudes and ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.

5. Basic health and welfare

Adolescent health

245. The Committee notes that the Caribbean Overseas Territories, including Anguilla,

the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands, as well as Bermuda, took part in the Caribbean Youth Summit on Adolescent Sexual and Reproductive Health Rights, held in Barbados in 1998. The Committee expresses its concern with respect to the insufficient programmes and services and the lack of adequate data in the area of adolescent health, including teenage pregnancy, abortion, HIV/AIDS and sexually transmitted diseases (STDs), drug abuse, violence and mental illnesses. The Committee is particularly concerned at the high incidence of teenage pregnancy, particularly in the Territories in the Caribbean.

246. The Committee encourages those Territories that took part in the Caribbean Youth Summit on Adolescent Sexual and Reproductive Health Rights to follow up and, where appropriate, seek to implement the recommendations made at the Summit. The Committee recommends that all appropriate measures be taken to increase the promotion of adolescent health policies and strengthen reproductive health education, including the promotion of male acceptance of the use of contraceptives. The Committee further suggests that a comprehensive and multidisciplinary study be undertaken to understand the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs. Additionally, it is recommended that the State party undertake further measures, including the allocation of adequate human and financial resources, to develop youth-friendly care, counselling, and rehabilitation services for adolescents in all the Overseas Territories.

Disabilities

247. The Committee notes the efforts of the Overseas Territories, in particular Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and St. Helena, to establish programmes for children with disabilities, including early intervention and school integration programmes. The Committee expresses concern, however, at the absence of legal protection and the inadequate facilities and services for children with disabilities. The Committee also notes with particular concern that since the volcano crisis in Montserrat, the trained special education teachers have migrated from the island.

248. In the light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, chap. IV.D), the Committee recommends that additional efforts be made to establish and/or enhance early identification programmes to prevent disabilities; to implement alternatives to the institutionalization of children with disabilities; to establish special education programmes for children with disabilities; and to encourage their inclusion in society. The Committee further recommends that all appropriate measures be taken to ensure that adequate resources are allocated for the effective implementation of programmes for children with disabilities. Additional training for professional staff working with and for children with disabilities is also recommended. The Committee recommends that the State party take all appropriate measures to facilitate the recruitment and training

of special education teachers in Montserrat.

Right to an adequate standard of living

249. While the Committee is aware of the relatively high standard of living enjoyed by most of the Overseas Territories, it is concerned that the standard of living in Montserrat has declined significantly since the volcanic eruption which destroyed two thirds of the island. While it is noted with appreciation that all the families with children have been moved from shelters and provided with homes, the Committee is concerned about the psychological impact of the disaster on children. While the Committee notes that two new primary schools and a new hospital have been built, it is concerned that the programmes and services for children have not yet been fully restored since the volcanic eruption. Additionally, the Committee is concerned that the children living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands do not enjoy an equal and adequate standard of living, as compared with children living in the other Overseas Territories.

250. In accordance with article 27 of the Convention, the Committee encourages the State party to increase its efforts to provide material assistance and support to economically disadvantaged families and to guarantee the right of children to an adequate standard of living, especially those affected by the disaster in Montserrat and those living in Anguilla, St. Helena and its dependencies, and the Turks and Caicos Islands. The Committee encourages the State party to undertake a study to assess the impact, including the psychological impact, of the disaster on the children of Montserrat, with a view to ensuring adequate support and where necessary, counselling for children and parents.

6. Education, leisure and cultural activities

251. While recognizing the efforts made by the State party in the area of education, the Committee remains concerned at the increasing incidence of truancy and the number of drop-outs from school in some of the Territories, especially the Turks and Caicos Islands and Montserrat. With regard to access to education, the Committee notes with concern that the travelling teacher service in the Falkland Islands does not include secondary schools and that children from Camp must attend secondary school in Stanley, where they are accommodated in government hostels for which their parents must pay. The Committee also notes with concern the academic under-achievement of boys in some of the Overseas Territories, including the Falkland Islands and the Caribbean Territories. Concern is also expressed that while the new nationality policy of the United Kingdom provides full citizenship to nationals of the Overseas Territories, students from these Territories who wish to pursue further studies in the United Kingdom continue to pay more in tuition fees than students from the United Kingdom.

252. The Committee recommends that all appropriate measures be taken to prevent and discourage truancy and further to encourage children, especially boys, to stay in school, particularly during the period of compulsory education. The Committee urges the State

party to undertake a study on the academic under-achievement of boys, with a view to understanding the scope and nature of the problem and to enhancing the academic achievement of boys, particularly in the Caribbean Territories and the Falkland Islands. It is recommended that the Falkland Islands take all appropriate measures to ensure that the inability to pay does not limit or prevent adequate and equal access to education for children from Camp. The Committee recommends that the State party review its higher education policies to ensure non-discrimination against nationals from the Overseas Territories in the payment of fees when they pursue studies in the United Kingdom.

7. Special protection measures

Refugee and internally displaced children

253. The Committee is concerned about the situation of families in Montserrat who have been displaced since the volcanic eruption in 1997. Concern is also expressed about the relatively slow pace at which programmes and services, including access to adequate housing, education and health services, are being re-established in Montserrat for internally displaced families. Additionally, concern is expressed regarding the lack of information on the situation of families that have left Montserrat to take refuge in neighbouring countries and Territories, as well as those who have settled in the United Kingdom.

254. The Committee recommends that the State party take all appropriate measures to improve the situation of internally displaced families, including their access to adequate housing, education and health services. The Committee recommends that the State party submit, in its next periodic report, information concerning the situation of families that have left Montserrat to take refuge in neighbouring countries and Territories, and the arrangements made (at the bilateral or regional levels) to facilitate their transition. In this connection, the Committee further recommends that the State party also provide information on the situation of those families from Montserrat who have settled in the United Kingdom as a result of the disaster.

Landmines

255. While the Committee notes that the State party has undertaken to evaluate the feasibility and cost of clearing the remaining landmines in the Falkland Islands, it is concerned that efforts have not been made to locate and clear the landmines since the end of the conflict in 1982.

256. The Committee strongly recommends that the State party take all appropriate measures to locate and clear the landmines in the Falkland Islands, promote awareness about the potential dangers and prevent accidents involving children and landmines. The Committee encourages the State party to consider extending the 1997 Convention on the Prohibition of the Use, Production, Transfer and Stockpiling of Anti-Personnel Landmines and on Their Destruction to the Overseas Territories, in particular the Falkland Islands.

Child labour

257. In the light of the socio-economic situation in some of the more economically disadvantaged Overseas Territories and the high truancy rate, particularly for males, the Committee is concerned about the lack of information and adequate data on the situation of child labour and economic exploitation in the Overseas Territories.

258. The Committee recommends that the State party undertake a comprehensive study to assess the situation of child labour in the Overseas Territories. Additionally, the State party is encouraged to introduce and/or strengthen, where appropriate, monitoring mechanisms to ensure the enforcement of labour laws and to protect children from economic exploitation, particularly within the informal sectors in these Territories. The Committee suggests that the State party consider extending to the Overseas Territories ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour. The Committee further suggests that the State party consider extending to the Overseas Territories ILO Convention No. 138 concerning Minimum Age for Admission to Employment.

Drug and substance abuse

259. The Committee notes the efforts of the State party at both the national and regional levels regarding drug demand reduction and narcotics control. However, the Committee remains concerned at the high incidence of drug and substance abuse, particularly among youth in Bermuda and the Caribbean Overseas Territories. Concern is also expressed at the insufficient medical and rehabilitative programmes and services available to child victims of drug and substance abuse.

260. In the light of article 33 of the Convention, the Committee recommends that the State party enhance its efforts, including through administrative, social and educational means, to protect children from the illicit use of narcotic drugs and psychotropic substances and to prevent the use of children in the illicit production and trafficking of such substances. It encourages the State party to strengthen its rehabilitation programmes for child victims of drug and substance abuse.

Sexual exploitation and sexual abuse

261. The Committee notes with concern the lack of information concerning the situation of commercial sexual exploitation of children, including prostitution and pornography. The Committee also notes that lack of programmes for the physical and psychological recovery and social reintegration of children victims of such abuse and exploitation, particularly in Bermuda and some of the Caribbean Territories, where there is apparent cause for concern.

262. In the light of article 34 and other related articles of the Convention, the Committee

recommends that the State party undertake studies with a view to understanding the scope of the problem and implementing appropriate policies and measures, including for the physical and psychological recovery and social reintegration of victims. The Committee recommends that the State party take into account the recommendations formulated in the Agenda for Action adopted at the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996.

Juvenile justice

263. The Committee notes that legislation relating to juvenile justice has been enacted in all of the Overseas Territories. While the Committee appreciates the legal abolition of judicial corporal punishment in most of the Overseas Territories, it is concerned that the bill to abolish it in the British Virgin Islands has not yet been enacted. The Committee also expresses concern about:

(a) The length of time before the hearing of juvenile cases; the lack of confidentiality accorded in cases involving juveniles; the holding of minors in adult detention facilities; the inadequacy of facilities for children in conflict with the law, including girls; the insufficient numbers of trained personnel to work with children in this regard; and the lack of legal aid programmes;

(b) The inadequate access to education, health, counselling and other rehabilitative services; and the lack of a complaints mechanism for children whose rights have been violated.

264. The Committee recommends, with regard to the Overseas Territories, that the State party:

(a) Take additional steps to reform the juvenile justice system in the spirit of the Convention, in particular articles 37, 40 and 39, and of other United Nations standards in this field, 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) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(b) Consider deprivation of liberty only as a measure of last resort, for the shortest possible time and only for serious offences; protect the rights of children deprived of their liberty, including the right to privacy; ensure that children remain in contact with their families while in the juvenile justice system; ensure that children are provided adequate access to education, health, counselling and other rehabilitative services; and introduce complaints mechanisms for children whose rights have been violated;

(c) Introduce training programmes on relevant international standards for all those professionals involved with the juvenile justice system.

265. The Committee further recommends that the British Virgin Islands reinforce efforts to enact the bill introduced into the Legislative Council to abolish the use of judicial corporal punishment in the islands.

8. Ratification of the Optional Protocols

266. The Committee recommends that the State party consider ratifying and extending to the Overseas Territories the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

9. Dissemination of documents from the reporting process

267. The Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the concluding observations adopted thereon by the Committee and the relevant summary records. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government and the general public, including NGOs.

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93. The Committee considered the second periodic report of the United Kingdom of Great Britain and Northern Ireland (CRC/C/83/Add.3), submitted on 14 September 1999, at its 811th and 812th meetings (see CRC/C/SR.811 and 812), held on 19 September 2002, and adopted at its 833rd meeting, (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

94. The Committee notes with appreciation the timely submission of the State party's second periodic report. However, it regrets that the report does not follow the Committee's reporting guidelines. The Committee welcomes the written replies to its list of issues (CRC/C/RESP/UK/2), as well as the additional information provided in annexes. The Committee also notes with appreciation the presence of a delegation of senior officials from the Children and Young People's Unit and from various departments, including representatives from the devolved administrations, which contributed to an open dialogue and a better understanding of the implementation of the Convention in the State party.

B. Follow-up measures undertaken and progress achieved by the State party

95. The Committee welcomes:

- (a) The withdrawal of two reservations made to articles 32 and 37 (d) of the Convention;
- (b) The ratification of the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO);
- (c) The entry into force of the Human Rights Act 1998;
- (d) The peace process in Northern Ireland, pursuant to the Good Friday Agreement, the enactment of the Northern Ireland Act 1998 establishing the Northern Ireland Human Rights Commission, the establishment of the police ombudsman for Northern Ireland, and the Race Relations (NI) Order 1997;
- (e) The establishment of the Children and Young People's Unit and the development of new child-focused structures in the Government throughout the State party;
- (f) The promotion of children's rights within the State party's international aid;
- (g) The adoption of the Children (Leaving Care) Act 2000 and the Homelessness Act 2000;
- (h) The adoption of the Protection from Harassment Act 1997, the Sex Offenders Act 1997 and the Family Homes and Domestic Violence (NI) Order 1998;

(i) The completion of abolition of school corporal punishment in England, Wales and Scotland, and the adoption of the Standards in Scotland's Schools, etc. Act 2000.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Previous recommendations of the Committee

96. The Committee regrets that, notwithstanding the legal obligation inherent in the ratification of the Convention, many of the concerns and recommendations contained in its concluding observations (CRC/C/15/Add.34) on the State party's initial report (CRC/C/11/Add.1) have been insufficiently addressed, particularly those contained in paragraphs 22-27, 29-36, 39, 40 and 42. Those concerns and recommendations are reiterated in the present document.

97. The Committee urges the State party to make every effort to address its recommendations as contained in the concluding observations on the initial report that have not yet been implemented or insufficiently implemented and to address them and the concerns contained in the present concluding observations on the second periodic report.

Reservations and declarations

98. While welcoming the State party's withdrawal of its reservations made to articles 37 (d) and 32, the Committee remains concerned that the State party does not intend to withdraw its wide-ranging reservation on immigration and citizenship, which is against the object and purpose of the Convention. In addition, the Committee is concerned that the State party is not in a position to withdraw its reservation to article 37 (c) owing to the fact that children are still detained with adults in the State party. In that regard, the Committee is concerned that, while the State party has made efforts to reduce the number of children detained with adults, it appears that only resource considerations now prevent the withdrawal of the reservation.

99. The Committee, in line with its previous recommendation (CRC/C/15/Add.34, paras. 22 and 29), and in light of the Vienna Declaration and Programme of Action, recommends that the State party take all necessary measures to end the detention of children in the same facilities as adults and to withdraw its reservation to article 37 (c). The Committee also recommends that the State party reconsider its reservation to article 22 with a view to withdrawing it given the State party's observation that this reservation is formally unnecessary because the State party's law is in accordance with article 22 of the Convention.

Legislation

100. While noting the entry into force of the Human Rights Act 1998, which incorporates the rights enshrined in the European Convention on Human Rights into domestic law, the Committee is concerned that the provisions and principles of the Convention on the Rights of the Child - which are much broader than those contained in the European Convention - have not yet been

incorporated into domestic law, nor is there any formal process to ensure that new legislation fully complies with the Convention. The Committee notes that the devolved administrations have introduced some legal reforms to ensure compatibility with the Convention such as ensuring that the education system in Scotland complies with article 12 and that corporal punishment in the day-care system in Wales is prohibited, but remains concerned that the State party does not ensure that its legislation is compatible with the Convention throughout its territory.

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

Resources

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

103. The Committee recommends that the State party undertake an analysis of all sectoral and total budgets across the State party and in the devolved administrations in order to show the proportion spent on children, identify priorities and allocate resources to the “maximum extent of ... available resources”. The Committee also recommends that the State party apply this principle in the activities of the Department for International Development.

Coordination

104. The Committee welcomes the establishment of the Children and Young People’s Unit in 2001 in addition to other bodies created in the devolved administrations, but remains concerned that the absence of a central mechanism to coordinate the implementation of the Convention throughout the State party makes it difficult to achieve a comprehensive and coherent child rights policy. The process of devolution of powers to the respective administrations makes more compelling the need for effective coordination of the implementation of the Convention throughout the State party between the various levels of government in Northern Ireland, Scotland, England and Wales, as well as between governments and local authorities.

105. The Committee, in line with its previous recommendation (*ibid.*, para. 23), recommends that the State party assign coordination of the implementation of the Convention throughout the State party, including to the devolved administrations, to a highly visible and easily identifiable permanent body with an adequate mandate and sufficient resources.

Plan of action

106. The Committee welcomes the fact that the Convention has been used as a framework in the Strategy for Children and Young People developed by the National Assembly for Wales, but remains concerned that this has not been the case throughout the State party. The Committee notes with satisfaction the statement of commitment made in the written replies and by the head of the State party's delegation to publish and implement an overarching strategy plan based on the Convention to be applied throughout the State party. However, the Committee remains concerned at the lack of a rights-based approach to policy development and at the fact that the Convention has not been recognized as the appropriate framework for the development of strategies at all levels of government throughout the State party. The Committee is also concerned that there is no national plan of action based on a global vision of children's rights.

107. The Committee encourages the State party to expedite the adoption and implementation of a comprehensive plan of action for the implementation of the Convention in all parts of the State party, taking into account the The Way Forward for Care and paying special attention to children belonging to the most vulnerable groups (e.g. children from poor households, children from minority groups, disabled children, homeless children, children in care, children between 16 and 18, Irish and Roma travellers' children and asylum-seekers) through an open, consultative and participatory process.

Independent monitoring structures

108. The Committee welcomes the establishment of an independent Children's Commissioner in Wales, but is concerned at the limited powers of the Commissioner, in particular in relation to non-devolved matters. The Committee welcomes the plans for the establishment of an independent human rights institution for children in Northern Ireland and in Scotland. The Committee is, however, deeply concerned that the State party has not yet established an independent human rights institution for children in England.

109. The Committee, in line with its previous recommendation (ibid.) recommends that the State party:

- (a) Establish independent human rights institutions with a broad mandate and appropriate powers and resources all across the State party and at the national level, in accordance with the Principles relating to national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex), to monitor, protect and promote all the rights of the Convention for all children. They should be easily accessible to children, able to determine their own agenda, empowered to investigate violations of children's rights in a child-sensitive manner and ensure that children have an effective remedy for violations of their rights;
- (b) Ensure that all the human rights institutions have formal advisory functions with the respective legislative bodies and that they establish formal links, including of cooperation, with each other;
- (c) Provide national human rights institutions with adequate resources and appropriate staff;

(d) Ensure that children and children's organizations are effectively involved in their establishment and activities.

Data collection

110. The Committee welcomes the statistical data provided in the written replies to the list of issues, the recently published statistics on children and young people, and the intention of the Children and Young People's Unit to publish an annual State of the Children report. Nevertheless, the Committee is still concerned at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the Convention.

111. The Committee recommends that the State party establish a nationwide system whereby disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups, and that these data are used to assess progress and design policies to implement the Convention. The Committee encourages the development of regular reports in England, Northern Ireland, Scotland and Wales and for the whole State party and the promotion of wide public and parliamentary debate on them in the United Kingdom and Scottish Parliaments and in the National Assemblies for Northern Ireland and Wales.

Training/dissemination of the Convention

112. The Committee welcomes the adoption of a rights-based approach to education in Scotland. However, the Committee is particularly concerned that, according to recent studies, most children are not aware of the rights contained in the Convention. The Committee is, therefore, concerned that the State party is not undertaking adequate dissemination, awareness-raising and training activities concerning the Convention in a systematic and targeted manner.

113. In line with its previous recommendations (ibid., paras. 26 and 32) and article 42 of the Convention, the Committee recommends that the State party:

(a) Substantially expand dissemination of information on the Convention and its implementation among children and parents, civil society and all sectors and levels of government, including initiatives to reach vulnerable groups;

(b) Develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

2. General principles

The right to non-discrimination

114. While welcoming the adoption of the Race Relations (NI) Order 1997 and the State party's commitment to end discrimination in its nationality law between children born in and out of wedlock, the Committee is concerned that the principle of non-discrimination is not fully

implemented for all children in all parts of the State party and that there is unequal enjoyment of economic, social, cultural, civil and political rights, in particular for children with disabilities, children from poor families, Irish and Roma travellers' children, asylum-seeker and refugee children, children belonging to minority groups, children in care, detained children and children aged between 16 and 18 years old.

115. The Committee recommends that the State party:

- (a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;
- (b) Monitor the comparative enjoyment by children of their rights in England, Scotland, Northern Ireland and Wales;
- (c) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination;
- (d) Amend the nationality law to allow transmission of nationality through unmarried as well as married fathers.

116. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's General Comment No. 1 on the aims of education.

Best interests of the child

117. While noting that the "welfare" of the child is included in child care and protection legislation, the Committee is concerned that the principle of primary consideration for the best interests of the child is not consistently reflected in legislation and policies affecting children throughout the State party, notably in the juvenile justice system and immigration practices.

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

Right to life

119. The Committee is concerned at the continued use of plastic baton rounds as a means of riot control in Northern Ireland as it causes injuries to children and may jeopardize their lives.

120. Following the recommendations of the Committee against Torture (A/54/44, para. 77 (d)), the Committee urges the State party to abolish the use of plastic baton rounds as a means of riot

control.

Respect for the views of the child

121. The Committee welcomes the increasing encouragement of participation of and consultation with children in government, local authorities and civil society throughout the State party, the establishment of a consultative process with children in local authority service planning, the establishment of a youth advisory forum in the Children and Young People's Unit and other platforms for children and young people in all parts of the State party, such as the Scottish Youth Parliament. However, the Committee is concerned that the obligations of article 12 have not been consistently incorporated in legislation, for example in private law procedures concerning divorce, in adoption, in education and in protection throughout the State party. In addition, the Committee is concerned that the right of the child to independent representation in legal proceedings, as laid down in the Children Act 1989, is not systematically exercised. The Committee is also concerned that in education, schoolchildren are not systematically consulted in matters that affect them. The Committee notes that groups of children in the State party expressed their feelings that their views are duly taken into consideration.

122. The Committee recommends that the State party, in accordance with articles 12 to 17 of the Convention, take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society, including in schools, for example through school councils. Furthermore, it recommends that the State party take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation, and that legislation governing court procedures and administrative proceedings (including divorce and separation proceedings) ensure that a child capable of forming his/her own views has the right to express those views and that they are given due weight. The Committee further recommends that procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them.

3. Civil rights and freedoms

Name and nationality and preservation of identity

123. While noting the recent Adoption and Children Bill (2002), the Committee is concerned that children born out of wedlock, adopted children, or children born in the context of a medically assisted fertilization do not have the right to know the identity of their biological parents.

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

Torture or other cruel, inhuman or degrading treatment

125. The Committee is particularly concerned at recent figures according to which between April 2000 and February 2002, 296 children sustained injuries as a result of restraints and measures of control applied in prison. In addition, the Committee is concerned at the frequent use of physical

restraint in residential institutions and in custody, as well as at the placement of children in juvenile detention and in solitary confinement in prisons.

126. The Committee urges the State party to review the use of restraints and solitary confinement in custody, education, health and welfare institutions throughout the State party to ensure compliance with the Convention, in particular articles 37 and 25.

Corporal punishment

127. The Committee welcomes the abolition of corporal punishment in all schools in England, Wales and Scotland following its 1995 recommendations (ibid., para. 32), but is concerned that this abolition has not yet been extended to cover all private schools in Northern Ireland. It welcomes the adoption by the National Assembly for Wales of regulations prohibiting corporal punishment in all forms of day care, including childminding, but is very concerned that legislation prohibiting all corporal punishment in this context is not yet in place in England, Scotland or Northern Ireland.

128. In light of its previous recommendation (ibid., para. 31), the Committee deeply regrets that the State party persists in retaining the defence of “reasonable chastisement” and has taken no significant action towards prohibiting all corporal punishment of children in the family.

129. The Committee is of the opinion that the Government’s proposals to limit rather than to remove the “reasonable chastisement” defence do not comply with the principles and provisions of the Convention and the aforementioned recommendations, particularly since they constitute a serious violation of the dignity of the child (see similar observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.79, paragraph 36). Moreover, they suggest that some forms of corporal punishment are acceptable, thereby undermining educational measures to promote positive and non-violent discipline.

130. The Committee recommends that the State party:

(a) With urgency adopt legislation throughout the State party to remove the “reasonable chastisement” defence and prohibit all corporal punishment in the family and in any other contexts not covered by existing legislation;

(b) Promote positive, participatory and non-violent forms of discipline and respect for children’s equal right to human dignity and physical integrity, involving children and parents and all those who work with and for them, and carry out public education programmes on the negative consequences of corporal punishment.

4. Family environment and alternative care

Violence/abuse/neglect/maltreatment

131. The Committee notes the initiatives taken in the area of child abuse, such as the Family, Homes and Domestic Violence (NI) Order 1998; the Circular 10/95 Protecting children from abuse:

the role of the education service; the Scotland's School, etc. Act 2000; and the establishment of a Child Protection in Sport Unit in 2001. Nevertheless, the Committee is deeply concerned that one or two children die every week as a result of violence and neglect in the home. It is also concerned at the prevalence of violence, including sexual violence, throughout the State party against children within families, in schools, in institutions, in the care system and in detention. It also notes with deep concern the growing levels of child neglect. The Committee is alarmed at the lack of a coordinated strategy to limit the extent of these phenomena. It particularly notes the absence of adequate, systematic follow-up of child deaths and that crimes committed against children below the age of 16 are not recorded. In the care system, the Committee notes a lack of consistent safeguards for children who are privately fostered. The Committee welcomes the steps taken by the Government to support child witnesses in court, but notes the lack of public education on the role of the child protection system.

132. In line with its previous recommendations (*ibid.*, para. 31) and in light of articles 3, 6, 12, 19 and 37 of the Convention, the Committee recommends that the State party:

- (a) Introduce a system of statutory child death inquiries;
- (b) Develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children;
- (c) Ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered;
- (d) Carry out large-scale public education campaigns and programmes, including through the schools, aimed at reducing child deaths and child abuse with information on the role of statutory and other services in protecting children;
- (e) Establish effective procedures and mechanisms to receive, monitor, investigate and prosecute instances of abuses, ill-treatment and neglect, ensuring that the abused child is not victimized in legal proceedings and that her/his privacy is protected;
- (f) Record in the British Crime Survey all crimes committed against children;
- (g) Provide for the care, recovery and reintegration of victims;
- (h) Strengthen the reporting system, through full support for the confidential centres for abused children, and train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

5. Basic health and welfare

133. While welcoming the decline in infant mortality rates and the new focus on children in the planning of the national health service, the Committee remains concerned at persisting inequalities in health and access to health services, including mental health services, across the State party

linked to socio-economic status and ethnicity (e.g. the high rates of infant mortality among the Irish and Roma travellers), at the relatively low rate of breastfeeding and at the persistence of female genital mutilation despite its illegality.

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

Adolescent health

135. While noting the efforts undertaken by the State party to reduce the number of teenage pregnancies, the Committee remains concerned at the high rate of teenage pregnancies in the State party. The Committee welcomes the one-to-one mentoring system and the multidisciplinary approach to detecting and managing mental health problems and notes that the mental health of children has been introduced in the National Priorities Guidance 1999/2002, but remains concerned that many children suffer from mental health problems and that the rate of suicide among young people is still high. The Committee is concerned that homosexual and transsexual young people do not have access to the appropriate information, support and necessary protection to enable them to live their sexual orientation. The Committee is furthermore concerned at the rising incidence of sexually transmitted diseases among young persons.

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

(a) Take further necessary measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curricula, making contraception available to all children, and improving access to confidential and adolescent-sensitive advice and information and other appropriate support (as recommended by the independent Advisory Group on Teenage Pregnancy);

(b) Review its policies for young mothers under the age of 16 years with regard to allowance entitlements and parenting courses;

(c) Take all necessary measures to strengthen its mental health and counselling services, ensuring that they are accessible and sensitive to adolescents, and undertake studies on the causes and backgrounds of suicides;

(d) Provide adequate information and support to homosexual and transsexual young people, and encourages the State party, further to the statement of intent made by its delegation to repeal section 28 of the Local Government Act 1988, where it applies.

Standard of living

137. The Committee is extremely concerned at the high proportion of children living in poverty in the State party, which limits their enjoyment of many rights under the Convention and leads to a

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

138. The Committee urges the State party:

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

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

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

6. Education, leisure and cultural activities

Education

139. The Committee welcomes the increase in the education budget and the measures adopted by the State party to raise standards of literacy and numeracy through initiatives such as the Education Action Zones programme, as well as the development of broad citizenship programmes. Furthermore, the Committee welcomes the development of legislation in Scotland to reflect article 12 of the Convention, but notes that similar legislation is required throughout the State party and that guidelines are insufficient measures to implement article 12. The Committee is concerned at the still high rate of temporary and permanent exclusion from school affecting mainly children from specific groups (ethnic minorities, including black children, Irish and Roma travellers, children with disabilities, asylum-seekers, etc.), and the sharp differences in educational outcomes for children according to their socio-economic background and to other factors such as gender, disability, ethnic origin or care status. Moreover, the Committee is concerned at the widespread bullying in schools. The Committee is particularly concerned that children deprived of their liberty in prisons and juvenile detention centres do not have a statutory right to education, that their education is not the responsibility of the departments responsible for education, and that they do not have support for special education needs. The Committee is further concerned that the majority of children in the care system, as well as teenage mothers, do not attain basic qualifications. The Committee welcomes the development of integrated schools in Northern Ireland, but remains concerned that only about 4 per cent of the schools are integrated and that education continues to be largely segregated.

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations (ibid., para. 32), the Committee recommends that the State party:

(a) Ensure that legislation throughout the State party reflects article 12 and respects children's rights to express their views and have them given due weight in all matters concerning their

education, including school discipline;

(b) Take appropriate measures to reduce temporary or permanent exclusion, ensure that children throughout the State party have the right to be heard before exclusion and to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full-time education;

(c) Take all necessary measures to eliminate the inequalities in educational achievement and in exclusion rates between children from different groups and to guarantee all children an appropriate quality education;

(d) Ensure that children in detention have an equal statutory right to education and improve education for children in care;

(e) Take measures and set up adequate mechanisms and structures to prevent bullying and other forms of violence in schools and include children in the development and implementation of these strategies, in light of the Committee's recommendations adopted at its day of general discussion on violence against children within the family and in schools;

(f) Taking into consideration the Committee's General Comment No. 1 on the aims of education, include the Convention and human rights education in the curricula in all primary and secondary schools and teacher training;

(g) Increase the budget for and take appropriate measures and incentives to facilitate the establishment of additional integrated schools in Northern Ireland to meet the demand of a significant number of parents;

(h) Develop educational programmes for teenage mothers to facilitate and encourage their further education;

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

7. Special protection measures

Asylum-seeking/refugee children

141. The Committee welcomes the establishment in 1994 of the Children's Panel of Advisers and is aware of the increasing number of children claiming asylum, either with their families or on their own. The Committee is concerned that detention of these children is incompatible with the principles and provisions of the Convention. The Committee is further concerned that the dispersal system may impede better integration and lead to an escalation in racially related incidents; that placement in temporary accommodation of children seeking asylum may infringe their basic rights such as access to health or education; that processing applications may take several years; that the Children's Panel of Advisers is not always adequately funded; and that the ongoing reform of the asylum and immigration system fails to address the particular needs and rights of asylum-seeking

children.

142. 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 childcare legislation;

(f) Carry out a review of the availability and effectiveness of legal representation and other forms of independent advocacy for unaccompanied minors and other children in the immigration and asylum systems;

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

Irish and Roma travellers

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

144. In line with its previous recommendations (ibid., para. 40), the Committee recommends that the State party devise, in a consultative and participatory process with these groups and their children, a comprehensive and constructive plan of action to effectively target the obstacles to the enjoyment of rights by children belonging to these groups.

Children in armed conflict

145. The Committee is deeply concerned that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of four years, increasing to six years in the case of very young recruits. The Committee is also concerned at the widespread allegations that young recruits have been the victims of bullying and at the fact that children below the age of 18 years take direct part in hostilities overseas. The Committee remains concerned at the negative impact of the conflict in Northern Ireland on children, including in the use of emergency and other legislation in force in Northern Ireland.

146. The Committee recommends that the State party:

(a) Ratify the Optional Protocol on the involvement of children in armed conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party of the Optional Protocol, keeping in mind its object and purpose;

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

(c) In line with its previous recommendations (*ibid.*, para. 34), review the emergency and other legislation, including in relation to the system of administration of juvenile justice, at present in operation in Northern Ireland to ensure its consistency with the principles and provisions of the Convention.

Economic exploitation, including child labour

147. The Committee is concerned that the national minimum wage does not apply to young workers above the minimum age of employment, and that therefore they can be at risk of being economically exploited. The Committee notes that policies with regard to minimum wage reflect programmes of the State party aimed at encouraging young people to study and improve their skills. Nevertheless, the Committee is concerned that these policies may discriminate against children who must work.

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

Sexual exploitation and trafficking

149. The Committee welcomes the 2001 national plan for safeguarding children from commercial sexual exploitation and the 1997 memorandum of understanding signed between the State party and the Government of the Philippines to combat the sexual exploitation of children. It is,

nevertheless, concerned that trafficking for sexual exploitation or other exploitation is still a problem and that sexually exploited children are still criminalized by law.

150. The Committee recommends that the State party:

- (a) Undertake a study on the scope, causes and background of child prostitution;
- (b) Review its legislation so as not to criminalize children who are sexually exploited;
- (c) Continue to implement policies and programmes in accordance with the Declaration and Agenda for Action, and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children;
- (d) Ensure that adequate resources, both human and financial, are allocated to policies and programmes in this area.

Administration of juvenile justice

151. The Committee welcomes the State party's initiatives to introduce restorative justice and other constructive community-based disposals for juvenile offenders, the almost complete inclusion of 17-year-olds in the juvenile justice system and the creation of multidisciplinary teams to respond to child offenders' behaviour, but notes with serious concern that the situation of children in conflict with the law has worsened since the consideration of the initial report. The Committee is particularly concerned that the age at which children enter the criminal justice system is low with the age of criminal responsibility still set at 8 years in Scotland and at 10 years in the rest of the State party and the abolition of the principle of *doli incapax*. The Committee welcomes the different approach reflected in the Children's Hearings in Scotland and the debate on including young people of 16 to 18 years of age in the Children's Hearings. The Committee is particularly concerned that since the State party's initial report, children between 12 and 14 years of age are now being deprived of their liberty. More generally, the Committee is deeply concerned at the increasing number of children who are being detained in custody at earlier ages for lesser offences and for longer sentences imposed as a result of the recently increased court powers to issue detention and restraining orders. The Committee is therefore concerned that deprivation of liberty is not being used only as a measure of last resort and for the shortest appropriate period of time, in violation of article 37 (b) of the Convention. The Committee is also extremely concerned at the conditions that children experience in detention and that children do not receive adequate protection or help in young offenders' institutions (for 15- to 17-year-olds), noting the very poor staff-child ratio, high levels of violence, bullying, self-harm and suicide, the inadequate rehabilitation opportunities, the solitary confinement in inappropriate conditions for a long time as a disciplinary measure or for protection, and the fact that girls and some boys in prisons are still not separated from adults.

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

- (a) The Crime and Disorder Act 1998 has introduced in England and Wales measures that may violate the principles and provisions of the Convention;

- (b) Children can be tried in adult courts in certain circumstances;
- (c) Children in custody do not always have access to independent advocacy services and to basic services such as education, adequate health care, etc.;
- (d) The privacy of children involved in the criminal justice system is not always protected and their names are, in cases of serious offences, often published;
- (e) Young people of 17 years of age are considered as adults for the purpose of remand.

153. 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.

154. In particular, the Committee recommends that the State party:

- (a) Considerably raise the minimum age of criminal responsibility;
- (b) Review the new orders introduced by the Crime and Disorder Act 1998 and make them compatible with the principles and provisions of the Convention;
- (c) Ensure that no child can be tried as an adult, irrespective of the circumstances or the gravity of his/her offence;
- (d) Ensure that the privacy of all children in conflict with the law is fully protected in line with article 40 (2) (b) (vii) of the Convention;
- (e) Ensure that detention of children is used as a measure of last resort and for the shortest appropriate period of time and that children are separated from adults in detention, and encourage the use of alternative measures to the deprivation of liberty;
- (f) Ensure that every child deprived of his or her liberty has access to independent advocacy services and to an independent, child-sensitive and accessible complaint procedure;
- (g) Take all necessary measures, as a matter of urgency, to review the conditions of detention and ensure that all children deprived of their liberty have statutory rights to education, health and child protection equal to those of other children;
- (h) Review the status of young people of 17 years of age for the purpose of remand with a view to

giving special protection to all children under the age of 18 years;

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

8. Optional Protocols

155. The Committee notes that the State party has not ratified the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

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

9. Dissemination of documentation

157. The Committee recommends that, in light of article 44, paragraph 6, of the Convention, the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the relevant summary records and the concluding observations adopted by the Committee be considered. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations and children's groups.

10. Periodicity of submission of reports

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

159. Finally, the Committee expects the next periodic report of the State party to include information from all the Overseas Dependent Territories and Crown Dependencies of the United Kingdom of Great Britain and Northern Ireland.