

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLE 16
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPLIES BY THE GOVERNMENT OF THE UNITED KINGDOM

to
the list of issues(E/C.12/UK/2) to be taken up in connection with the consideration of the fourth periodic report of the
United Kingdom of Great Britain and Northern Ireland concerning the rights
referred to in articles 1-15 of the International Covenant on
Economic, Social and Cultural Rights (E/C.12/4Add.5, E/C.12/4/Add.7, E/C.12/4/Add.8)

HR/CESCR/NONE/2002/4

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Issues to be taken up in connection with the consideration of the Fourth Periodic Report
of the United Kingdom of Great Britain and Northern Ireland (E/C.12/4Add.5,
E/C.12/4/Add.7, E/C.12/4/Add.8)

RESPONSE OF THE GOVERNMENT OF THE UNITED KINGDOM

I. GENERAL INFORMATION

General legal framework within which human rights are protected

Q.1 Please explain further the meaning of paragraph 2.01 of the report, in particular with regard to the “effects” the United Kingdom intends to give to its “obligations” under the Covenant on Economic, Social and Cultural Rights.

A.1 The Convention is not directly applied as law within the territories to which these reports apply. The United Kingdom gives effect to the various articles of the Convention by specific laws, policies and practices of the appropriate authorities in those territories. These are described in the paragraphs of the reports relating to those articles.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 1.1: The right of self determination

Q.2 Please provide information on the possibility of applying the principles of self – determination to the Overseas Dependent Territories and Crown Dependencies of the United Kingdom

A.2 Crown Dependencies

Guernsey

It is accepted that the Balliwick’s peoples have the right to be independent or to retain their present status. It is for the peoples of the Islands to decide whether they wish to seek to change in any way their relationship with the United Kingdom.

The United Kingdom is responsible for the defence of the Islands, and the Crown is ultimately responsible for their good government. What this means is that, in the circumstances of a grave breakdown or failure in the administration of justice or civil order, the residual power of the Crown could be used to intervene in the internal affairs of the Islands. This is, however, a most unlikely eventuality.

The settled practice is that the United Kingdom does not legislate for the Islands without the Islands’ consent.

Jersey

Jersey has full autonomy in its domestic affairs and the United Kingdom Parliament does not legislate for it without its consent on such matters. The United Kingdom exercises responsibility in partnership with the Island and for its external relations and defence. Jersey may, and frequently does, legislate independently to implement international agreements. The administration is in effect parallel with that of the United Kingdom rather than subordinate to it.

Isle of Man

The Isle of Man is an internally self-governing dependency of the Crown. It has full autonomy in its domestic affairs and the United Kingdom Parliament does not legislate for the Island without the Isle of Man Government's consent on such matters. The United Kingdom is responsible for the Island's international relations and defence and the Crown is ultimately responsible for its good government.

Overseas Territories

The position with respect to the enjoyment of the right to self-determination in the United Kingdom's Overseas Territories remains essentially as described in paragraph 3(a) of Part 3 of the report and, in more detail, in the respective Annexes to that report. However, the Committee is also referred to the relevant written responses submitted by the United Kingdom Government to the Human Rights Committee for the purposes of the examination, in October 2001, of the United Kingdom's 5th periodic report under the International Covenant on Civil and Political Rights. Since those responses do not appear to have yet been circulated as official United Nations documents, a copy of the complete set of them is being transmitted to the Committee's Secretariat, together with this present response, for circulation to members of the Committee. The relevant responses in that set are those relating to Q. 5 (British Virgin Islands), 8 (Cayman Islands), 15 (Gibraltar), and 17 (St Helena). In relation to the response on Q. 15 (Gibraltar), it can now be reported that the proposals for constitutional change there referred have now been agreed by the House of Assembly and are expected to be submitted to the United Kingdom Government shortly. The United Kingdom Government continues to make good progress in discussions with Spain about Gibraltar, with the aim of concluding a comprehensive agreement before the summer covering all outstanding issues, including co-operation and sovereignty. The United Kingdom Government stands firmly by its commitment enshrined in the 1969 Constitution. The United Kingdom would never enter into arrangements under which the people of Gibraltar would pass under the sovereignty of another state against their freely and democratically expressed wishes.

With reference to the new institutional arrangements described in paragraph 3(a) of part 3 of the report, it can now be reported that the Overseas Territories Council there envisaged has been established – it is now styled the Overseas Territories Consultative Council – and has had a number of successful meetings in which the participants have been the United Kingdom Ministers (from the Foreign and Commonwealth Office and the Department for International Development) responsible for the affairs of the Overseas Territories and the Chief Ministers or other representatives of the Governments of the Overseas Territories. There have also been a number of meetings of the Conference of Attorney Generals of the Overseas Territories, usually under the chairmanship of the Attorney General of England. At one of these latter meetings it was

decided to commission a study of the possible need to update and strengthen the provisions guaranteeing fundamental rights which are currently contained in the Constitutions of most Overseas Territories and also of how best to further the process of incorporating such provisions into the Constitutions of those Territories which do not yet have any such provisions. This study has been completed and its report has been circulated to all the Overseas Territories for detailed consideration.

The Committee will also wish to know that the legislation, envisaged in paragraph 3(b) of the 3rd periodic report, to confer full British citizenship on the inhabitants of the Overseas Territories has now been enacted as the British Overseas Territories Act 2002 and the relevant provisions are expected to come into force in the early summer.

Article 2.1: International assistance and co-operation

Q.3 Please provide further information on the activity of the “Department for International Development”, in particular with regard to its effective contribution to the promotion of the development of the least developed countries, notably in Africa and to the extent of debt forgiveness permitted by the United Kingdom.

A.3 The United Kingdom Government’s approach to international development is set out in two government White Papers. *Eliminating World Poverty: a Challenge for the 21st Century* (November 1997) and *Eliminating World Poverty: Making Globalisation Work for the Poor* (December 2000). The overarching goal for the United Kingdom’s development co-operation is the elimination of global poverty and the encouragement of pro-poor economic growth. Our progress is set out in the *Department Report 2001* (March 2001).

The United Kingdom aims to address poverty reduction effectively, coherently and through rights approaches by building partnerships with poor countries (many of which are Least Developed Countries (LDCs)) and, in particular, those pursuing effective, pro-poor policies. Our strategy for taking a rights approach is set out in the paper: *Realising Human Rights for Poor People* (October 2000).

Total aid flows

The United Kingdom is committed to reversing the decline in official development assistance (oda) expenditure that took place in the 1990’s, and will ensure that the ratio of oda to gross national income (GNI) will rise to 0.33% by financial year 2003/04. We are also committed to allocating at least 75% of all bilateral country resources to low-income countries, and are pressing the European Commission to focus a greater proportion of its assistance on these countries.

Aid to LDCs

The Department for International Development’s (DFID) country specific bilateral aid to LDCs has risen in the last five years from 35% of its total country-specific bilateral expenditure in 1995/96 to 40% in 1999/2000. LDCs also benefited from DFID support channelled through multilateral organisations and regional funds.

Trade: market access for LDCs

The European Union (EU) has agreed the “Everything but Arms” initiative. The United Kingdom strongly promoted this agreement. LDCs now enjoy duty-free and quota-free access to the EU on all goods except arms, with phase-in periods for rice, sugar and bananas. We have also encouraged other developed countries to follow suit. Not only would this encourage economic growth in LDCs, but it would also help to build confidence during the new trade round.

Aid untying

The United Kingdom was a strong supporter of the OECD process that led to the DAC Recommendation on Untying Official Development Assistance to LDCs. This recommendation requires DAC members to have untied financial aid to LDCs from 1 January 2002. The United Kingdom has gone beyond this recommendation and fully untied all development assistance to all countries.

Debt

The United Kingdom Government recognises that very high levels of debt constrain the ability of governments to tackle poverty effectively. We remain committed to ensuring that unpayable debt is relieved, and that this relief benefits the poor.

The United Kingdom has strongly supported the Heavily Indebted Poor Countries initiative (HIPC). 18 of the 49 LDCs are benefiting from debt relief under this initiative. The United Kingdom goes further than required under HIPC and provides 100% relief on its bilateral debts to HIPC countries once they qualify, and holds any debt repayments “in trust” in the meantime. The United Kingdom is also the second largest contributor (\$306 million) to the trust for financing the international costs of HIPC, and co-finances a major project to strengthen the debt management capacity of developing countries. Further details are provided in our draft background briefing: *Debt Relief for Poverty Reduction*, which is set out at Annex I below; (all the international data may not be up to date).

Article 2.2: Non-discrimination

Q.4 Please provide detailed information on the extent of the phenomenon of refugees and on those who are seeking refuge in the United Kingdom and on how their economic, social and cultural rights are protected.

A.4 Asylum Statistics

The number of asylum seekers entering the United Kingdom rose sharply from around 4,000 in 1987 to just under 44,000 in 1991. New procedures to deter fraudulent applications reduced numbers in 1992 and 1993 but they returned to just under 44,000 in 1995. The numbers fell back again in 1996 after benefits to asylum seekers were restricted, but rose again to just under 45,000 in 1998. The volume of applications for asylum led to a backlog which, in January 2000, stood at 103,495. This has, however, been reduced every month since then and at the end of October 2001 the backlog of asylum applications stood at 43,000.

In 1999, applications for asylum, excluding dependants, rose by 25,145 to 71,160. 7,815 people (36% of decisions made under normal procedures) were recognised as refugees and granted asylum (this was due to the large numbers of grants of asylum to nationals

of the Federal Republic of Yugoslavia). A further 2,465 (12%) were granted exceptional leave to remain and 11,140 were granted leave under a backlog clearance exercise. In 2000, applications for asylum rose by 9,155 to 80,315 (a 13% increase). Of the 109,205 decisions made that year, 10,375 (11%) were recognised as refugees and 11,495 (12%) were granted exceptional leave to remain.

Integration of refugees

The United Kingdom, as a signatory to the 1951 United Nations Convention on the Status of Refugees, undertakes to treat recognised refugees, in general terms, in the same way as its own nationals. Thus, those granted refugee status are entitled to a range of statutory benefits and services, including income support payments, housing benefits, access to public housing, education, health care, and employment training schemes.

The Government recognises, however, that refugees have greater difficulty than the indigenous population in gaining access to the statutory system. To assist in overcoming this, the Home Office launched a Refugee Integration Strategy in November 2000 whereby those refugees who are invited to remain in the United Kingdom can rebuild their lives and make a valuable contribution to the social, cultural and economic life of the country. As part of the strategy, the Home Office contributes to the funding of the refugee voluntary organisations at national and regional level to run programmes assisting the development of local refugee organisations and promoting networking between refugee and other local organisations and service providers. In 2001/2002, funding provided by the Home Office for this purpose will amount to over £3.5 million. It has been recognised that refugee community organisations are an effective way of providing practical help and emotional support for new arrivals as well as helping to retain their cultural identity.

The main objectives of the strategy are based upon meeting the needs that are known to be key factors in successful integration, for example:

- sustainable community organisations that can act as a stepping stone to participation in wider society;
- provision of, and access to, appropriate training and education;
- development of services to enhance the economic position of refugees;
- promotion of health services which meet the needs of refugees;
- development of housing services to meet the needs of refugees; and
- promotion of positive attitudes towards refugees among other communities.

The strategy is monitored and steered by the National Refugee Integration Forum. This Forum consists of representatives from Government, local authorities, the voluntary and private sector and refugee communities themselves. Meetings of the Forum are chaired at Ministerial level. The Forum has established sub-groups to take forward work plans in each of eight key areas: accommodation, health, employment and training, community development, children's education, unaccompanied minors, community safety and positive images.

Q.5 Please provide detailed information on the extent of the problems associated with illegal immigration and the measures being taken in order to cope with the situation

A.5 The extent of the problem

By its very nature, the scale of illegal immigration is difficult to judge. Although many illegal entrants seek to regularise their position by applying for leave to remain, usually as asylum seekers, many others will simply go to ground. In 2000, the last full year for which statistics are available, papers were served on 47,300 persons detected as illegal entrants. The number of people detected trying to evade border controls during the

1990s has risen 80-fold – partly because of the increasing effectiveness of the Immigration Services.

Most people who arrive illegally are bought here by organised crime groups. We estimate the proportion at around 75%. This organised immigration crime includes two main elements – people smuggling and people trafficking. Whilst exact figures are impossible to judge, all available evidence suggests the majority of illegal immigrants come here by consent and that the number of people trafficked for the purposes of exploitation is comparatively small.

By definition, people smuggling is the facilitation of illegal entry, i.e. assisting people to enter the United Kingdom by a breach of immigration law. This may mean entering clandestinely, or through deception. In some cases, this is simply a business transaction – someone paying money to someone else to facilitate entry. In other cases, though, there are more sinister elements. A criminal may exaggerate someone's prospects should he get to the United Kingdom and the person will spend large amounts of money on a dangerous – sometimes fatal – journey, which may result in his immediate removal. A further element is that of exploitation. Some illegal immigrants may be forced to work for less than the statutory minimum wage.

People trafficking will include transporting people in order to exploit them, perhaps for prostitution or, again, for bonded labour. This is where people will be forced to work for very low pay – or will have to give a proportion of earnings to a “gangmaster” – for fear of denunciation. Sometimes there are threats of violence against the individuals concerned or their families. Home Office research in 2000 estimated that somewhere between 150 and 1,500 women annually are trafficked into the United Kingdom for the purpose of sexual exploitation but this is a very rough estimate.

Measures being taken to cope with the situation

Organised immigration crime is a complex problem and in a recent White Paper “*Secure Borders, Safe Haven; Integration with Diversity in Modern Britain*” the United Kingdom Government outlined the measures it intends to take to combat illegal immigration, especially when perpetrated through organised crime. It will require co-ordination across Government Departments; partnership with business and voluntary sectors, and international co-operation.

The strategy focuses on:

- combating illegal working: greater enforcement action, less potential for fraud, effective gathering and sharing of information and working with business;
- prevention in source and transit countries;
- strengthening the law;
- tackling the criminals: intelligence and enforcement operations;
- EU co-operation;
- dealing appropriately with victims of trafficking.

Amongst other measures, the Government intends to strengthen enforcement arrangements by increasing the capacity of the Immigration Service, by making tackling illegal working a higher priority and by developing joint Immigration Service and police teams with specialist skills to target illegal working. The Proceeds of Crime Bill will be used to remove the profits of those who exploit illegal working for their own advantage.

It will be made clear to employers that the new penalties for facilitating people smuggling will apply to all those who facilitate the illegal entry of migrants and assist in hiding those who are here. There will also be improved security of the National Insurance Number, backed by the introduction of Entitlement Cards. All these measures will make it more difficult for people to work illegally in the United Kingdom.

Through tackling the traffickers and smugglers, the Government hopes to reduce the flow of illegal migrants into the United Kingdom. By implementing the other measures mentioned above, it is hoped that the significant “pull” factor of readily available illegal available work will be reduced.

Q.6 Please inform the Committee on the extent and gravity of the racial disturbances that have recently taken place in the United Kingdom and on the measures being adopted in order to integrate minorities in society and to prevent the recurrence of such incidents.

A.6 Extent of disturbances

The estimated extent of the most serious disorders is indicated in the following table:

| | BRADFORD April 2001 | OLDHAM May 2001 | BURNLEY June 2001 | BRADFORD July 2001 |
|---------------------------------|--|---|---|--|
| Numbers involved in disturbance | Approx. 100 | 500 | 400 | 400-500 |
| Injuries | 0 police 20 members of the public | 2 police 3 members of the public | 83 police 28 members of the public | 326 police 14 members of the public |
| Cost of damage | Estimated £117,000 | Estimated £1.4 million | Estimated over £0.2 million | Estimated £7.5-10 million |

Less serious disturbances took place in Leeds in June 2001 and Stoke-on-Trent in July 2001.

Measures to encourage Community Cohesion

Following the July disturbances in Bradford, the Home Secretary announced the establishment of an inter-departmental Ministerial group on Public Order and Community Cohesion. It was asked to report to the Home Secretary on what the Government could do to minimise the risk of further disorder and to help build stronger and more cohesive communities. An independent review team (the Community Cohesion Review Team) was also established. Its terms of reference were:

- to obtain the views of local communities, including young people, local authorities, voluntary and faith communities, in a number of representative multi-ethnic communities on the issues that need to be addressed in developing confident, active communities and social cohesion;
- to identify good practice and to report this to the ministerial group and also to identify weaknesses in the handling of these issues at local level.

The report of the Ministerial Group set out in detail comprehensive policies to build community cohesion. The Government is pursuing those policies, which include the following on matters within the compass of the Covenant:

Strengthening legislation to promote equality and protect minorities, for example the implementation of the European Race and Employment Directives.

Delivering improvements in housing policy, for example by ensuring that minority ethnic groups are not concentrated in the worst housing stock through fear or discrimination. In November 2001, the Government published an action plan for addressing housing needs of black and minority ethnic people, which brings together the full range of housing policies that tackle ethnic minority issues in housing and has 70 specific action commitments, including on allocations policy.

Promoting inclusiveness in education, for example by revising guidance for specialist schools to include specific examples of cross-cultural activities between schools, setting local targets to narrow gaps in achievement of pupils from different ethnic groups and increasing the number of ethnic minority teachers.

Engaging young people and children, particularly by encouraging the interaction of children and young people of different faiths and cultures. In July 2001, the Government funded a £7 million programme of additional summer activities, benefiting 200,000 mainly young people. The Government is committed to rebuilding youth services and supporting voluntary sector organisations working with young people.

Rebuilding local economies, increasing the employment rate of people from ethnic minorities and narrowing the gap with the overall employment rate.

Tackling poverty and deprivation, for example through the National Strategy for Neighbourhood Renewal, launched in January 2001, which places strong emphasis on local agencies.

Q.7 Please provide further information on “the Crime and Disorder Act” which came into effect in September 1999, in particular with regard to the “nine racially aggravated offences” and on the prosecution of offenders mentioned in para. 2.07 of the report.

A.7 The Crime and Disorder Act 1998 creates a number of new offences in order to deal with racist violence and harassment. These include: racially aggravated criminal damage (i.e. destroying or damaging property belonging to another), racially aggravated harassment or putting people in fear of violence, as well as racially aggravated public order offences (causing alarm or distress) and racially aggravated assaults. “Racially aggravated” means the existence of “racial hostility at the time of committing the offence or immediately before or after doing so” or the “offence was motivated wholly or partly by racial hostility.” The Act increases the custodial penalties: in the case of criminal damage from 10 to 14 years imprisonment; in the case of harassment from six months to two years or where there is a fear of, or actual violence, from five to seven years. Of the 21,750 aggravated offences reported in 1999-2000 (which resulted in 4,178 prosecutions or cautions), 19% were in respect of criminal damage, 49% for harassment and the remainder for wounding or assault.

Article 3: Equal rights of men and women

Q.8 Please provide information on how the State party has given effect to the Committee’s recommendation that “the State party take more effective steps to combat *de facto* discrimination, particularly against [...] women”, especially in the field of employment, despite the elaborate legislation and machinery for protection against discrimination (E/C.12/1/Add.19, 4 Dec 1997, paras 12 and 24), hereby also bearing in mind specific recommendations of a similar nature by the Committee on the Elimination

of All forms of Discrimination against Women (CEDAW, CEDAW/C/1999/L.2/Add.7, 1 July 1999, paras 23, 24, 27, 29, 30)

A.8 In 1999, the CEDAW committee urged the Government to “ensure rigorous analysis and evaluation of recently introduced and planned policies and their implications for (...) de facto equality for women” (Concluding Comments Paragraph 299). The Government is making progress towards that recommendation. It aims to characterise all participants in Government programmes by gender so that the extent of women’s participation can be monitored. To help measure the impact of this policy, statistics are available by gender in the Office for National Statistics data, the New Earnings Survey, General Household Survey, Labour Force Survey, and for the National Minimum Wage. The new Working Age Agency will have new data available about the help which it gives to women, (compared to the Employment Service and Benefit Agency), and the Learning and Skills Council will draw up equal opportunities strategies, at both national and local levels, to plan how to tackle under-representation and under-achievement in all forms of education and training. There are corresponding agencies in Northern Ireland.

The Government’s main policy objective is to close the gender gap in skills and working lives, and especially the main “evidence” of that, the gender pay gap, particularly ensuring that any pay gap should be attributable to women’s genuine choices, not to any barriers. Results were studied from research funded by the Government into the causes of the pay gap (NIESR – launched in late 2001). Scotland and Wales have the “Close the Gap” campaign.

At the moment 60% of women work in only ten occupational sectors and the United Kingdom accepts the need for a more balanced representation of women and men in all sectors. We are helping women return to priority careers in science, engineering and technology. Since January 2001 careers in these areas have been promoted to 11-14 year old school girls through a Government publication. A Taskforce will encourage more women to study Information and Communication Technology (ICT) and explore how to persuade women to move into ICT careers. (The ‘Women into Science and Technology’ in Northern Ireland has the same objectives.) There is a special ICT work experience programme for women, and a campaign to improve the image of ICT. The Government is working with the ICT sector to encourage ICT employers to put in place work-life balance employment policies to improve recruitment and retention to the sector.

We wish positive action to be used appropriately (e.g. “Take our daughters to work day”) and are concerned that there should be no “quotas” demeaning to women.

The aim is for 50% of public appointments to be held by women. The number of women in the Senior Civil Service increased from 620 to 730 between April 1999 and April 2000. Of these 80 work part time. In teaching there is a target to increase the number of men by 20% by 2002. There is an Equality Challenge Unit to improve equal opportunities practice in employment in Higher Education where women are under-represented in high-level posts. Some funding through the Higher Education Funding Council for England is allocated to improve Human Resource practices with a particular focus on developing equal opportunities. There are similar objectives in Northern Ireland. The National Health Service, where women predominate, has a standard, which commits all health employers to invest in their staff and a framework to build equality, diversity and inclusiveness into recruitment, development and management of staff.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: Right to work

Q.9 Please provide information on the effective results of the “New Deal” programmes to which 15 paragraphs are devoted in the State Party’s report. This information should concern, in particular, the training and the employment of young persons, of lone parents, notably women immigrants, refugees and people of ethnic minorities.

A.9 Currently, New Deal is broken down into seven categories: 18-24 year old, 2 year + unemployed, Lone Parents, People with disabilities, Partners of Unemployed, Aged 50 +, and New Deal for Communities

This response presents the positive impact that the New Deal programmes are having on the labour market and the economy, in particular the training and employment of young people and lone parents. There has been extensive analysis on ethnic minorities on the New Deal programmes; however there is no quantitative information available on women immigrants and very little on refugees.

New Deal for Young People (NDYP)

The NDYP programme was introduced nationally in April 1998 and by the end of October 2001 338,650 young people have entered a job, of which 265,760 are sustained jobs (lasting more than 13 weeks). Of the 638,800 young people who have left the programme, 55% have entered sustained unsubsidised jobs and over 260,000 young people have benefited from training through the options provided.

At the start of 1998, 118,000 young people had been unemployed for six months or more. Three and a half years later long-term youth unemployment has fallen to 39,000 people.

Macro-economic analysis (*The New Deal for Young People: Implication for Employment and the Public Finances, ESR62*) of the first two years of NDYP suggests that national income is around £0.5 billion per annum higher as a consequence of NDYP. Over 200,000 young people left unemployment earlier than they would have done without the programme. Roughly 60,000 more people have moved directly into work than would have been the case without NDYP. The research concludes that NDYP is having an overall positive impact on the labour market and the economy.

New Deal for Lone Parents (NDLP)

For the first three years of NDLP 122,260 lone parents have gained jobs. Around a quarter of lone parents finding employment continue on the programme receiving in-work support and three-quarters left the programme into a job. Just over half of the leavers from NDLP have left for employment.

Currently a fifth of participants on the programme are young people and half have a youngest child aged five or under. 25,000 lone parents have undertaken training on NDLP.

Research undertaken during the pilot phase of the programme (*Evaluation NDLP: Early lessons from the Phase One Prototype, DSS Research reports 108, 109 and 110*) found that NDLP had a positive effect on the number of lone parents moving off income support. After 18 months the number of lone parents on Income Support was 3.3% lower than it would have been without NDLP. Among lone parents with claims for Income Support starting during the prototype programme, NDLP had a positive effect in high unemployment areas by increasing the odds of leaving Income Support by 12%. The net income benefit of NDLP is estimated to have been in the region of £3.6 million.

New Deal for Long Term Unemployed People aged 25 +

This programme only became mandatory from April 2001 and so there is little information yet on clients on the programme. However over the three years of the voluntary programme 75,200 people have entered jobs, of which 62,140 are sustained jobs and over 33,000 clients on the programme have benefited from training.

Research undertaken in the pilot phase of the programme (*New Deal for the Long Term Unemployed: A comparison of provision in Pilot and National areas, ESR69*) found that, after controlling for other characteristics, pilot participants were 1.73 times more likely to exit Jobseekers Allowance to employment.

New Deal for Disabled People (NDPP)

NDPP Pilots: September 1998-June 2001

£24 million was allocated to fund a Personal Advisor Service. The Service provided personal advice and support to disabled people who wished to move into, or remain in, work (including self-employment.)

The pilot areas included a range of urban and rural labour markets with varying levels of incapacity and employment. There were pilots in Scotland, Wales and most English regions. £5 million was provided for 24 innovative schemes to test ways of helping disabled people and carers who want to work. The schemes included partnerships combining expertise from the private, public and voluntary sectors.

The schemes tested different approaches to help people into work including: a college workshop where customers learned a skill before moving into a factory and provided support for disabled people to enter self-employment.

By the end of June 2001, the NDDP pilots had helped over 8,200 disabled people into work.

NDDP Extension

The NDDP began to be extended nationally, continuing to test out ways of helping people on incapacity benefits into work. The first Job Brokers became operational in July 2001 and the full network was in place by September.

Following a competitive procurement exercise, some 60 Job Brokers from the private, voluntary and public sectors are providing Job Broker services across England, Scotland

and Wales, with a choice of Job Brokers for disabled customers and employers in almost all localities.

Once a customer is registered with a Job Broker, the Broker will agree with that customer what is the most appropriate route into work for him and help him to achieve this. Job Brokers are working with employers to match their customers' skills to vacancies available, help them understand and compete in the labour market and support them in finding and keeping employment. From July to November 2001, Job Brokers have registered 5,972 people and helped 1,068 people into work.

One of the main barriers to employment which incapacity benefits clients face is loss of benefit. Because of this, Employment Service advisors and Job Brokers will provide In Work Benefit calculations, which will help people understand the implications of moving into work. The 52 week linking rule will also mean that, if clients try work and it doesn't work out, they can return to the same level of benefits that they received before entering employment.

New Deal 50 Plus

New Deal 50 + is a voluntary programme for people aged over 50 looking for work. It is designed to help long-term unemployed and economically inactive people aged over 50, who have been claiming work related benefits for six months or more, back into paid employment. It is part of a wider government campaign to address age discrimination and improve prospects of older people.

New Deal 50+ was provided nationally on 3 April 2000.

New Deal 50+ provides advice and guidance to all eligible clients who are looking for work. It offers Jobseekers a tax free Employment Credit of £60 per week for up to a year for those going into full time work (£40 for part time work), and an in-work Training Grant of up to £750 providing their annual total income is no more than £15,000. These are also available for those entering self-employment.

People receiving Jobseekers Allowance, Incapacity Benefit, Severe Disablement Allowance or Income Support for six months or more are eligible for New Deal 50+. Support is also available to dependent partners of people receiving these benefits or to those signing on at the Jobcentre for National Insurance credits. Those who have received Invalid Care Allowance or the new Bereavement and Widowed Parents Allowance for a period of six months will have immediate access to the programme on successfully claiming one of the four qualifying benefits.

In the first 20 months of its national operation, over 58,000 people have moved off benefits and back to work with the help of the financial support available through the programme. Of these, 12% have moved into self-employment, and over 30% were female.

Disadvantaged Groups

The only information available for refugees is on the New Deal 25+ for adults' programme and just over half the clients with refugee status have left the programme into employment.

The current proportion of ethnic minorities participating on NDYP is 16.5%. The corresponding value for NDLP is 12% and on the ND25+ programme 12.5% of clients are from ethnic minorities. Ethnic minorities are currently 76% as successful in gaining jobs as white clients for NDYP, 73% for NDLP and 92% for ND25+. Extensive analysis has shown that most of the apparent gap in equality of outcomes on New Deal is attributable to factors not directly associated with ethnicity but recording and geographical issues.

Q10. Please explain further the information given in paragraph 6.22 of the report on the expansion of childcare services.

A.10 England

More than 424,000 new childcare places have been created in England since 1997. In 2001, there were 1.7 million places available with childminders, in playgroups, day nurseries and after school provision for children under 8 years of age. The National Childcare Strategy aims to increase accessibility, affordability and quality of provision for children from birth to age 14 in every neighbourhood and to age 16 for those with special educational needs. Substantial new resources are being provided to support this strategy. In addition to the sum reported in paragraph 6.21, a new allocation of around £600 million was allocated for the period 2001-2003, much of which will be directed at expanding provision in the most disadvantaged areas of the country. Total expenditure on funding early education provision will double from £1 billion in 1996 to £2 billion in 2003-2004, which has enabled free places to be guaranteed for all 4 year olds from 1998 and will allow free places for all 3 year olds by 2004. The Childcare Tax Credit component of the Working Families Tax Credit is noted in paragraph 9.18 of the report.

This substantial expansion of provision will necessitate increasing the numbers of staff. A national recruitment campaign in England is aiming to help recruit 150,000 more staff with the right skills by 2004, and funding is being made available to ensure that young children are not being denied the opportunity to learn and study because of childcare costs.

Scotland

The Scottish Executive allocates £15.75 million per year (rising to £16.75 million in 2002) to local authorities through Grant Aided Expenditure to expand childcare. This is in addition to the

provision of free, part-time pre-school places for all three and four year olds whose parents want one, which is due to be achieved by April 2002.

The Scottish Executive allocated £3.6 million to local authorities in 2000-2002 for the purpose of developing the Childcare workforce. It expects that by the end of 2002, 5000 new childcare workers will have been trained since September 1999.

Wales

The National Assembly for Wales has allocated £4.55M in 2002-03 to develop childcare in Wales. This is in addition to a commitment to the provision of free, part-time pre-school places for all three and four year olds.

The Assembly Government recently announced the proposal to create a unified support fund with effect from April 2003, bringing together various existing funding streams for children, including childcare. In the first year, this will be worth over £35 million. This proposal should simplify administration, make sure local plans for children are integrated, while maintaining the best of the focus of particular programmes.

The Minister for Health & Social Services, set up a National Childcare Strategy Task Force in February 2001 in order to take forward the Childcare Strategy in Wales. The Task Force report was published in November 2001 and the Minister is due to publish her action plan in response to the report in the near future. The plan will contain 24 action points for the Welsh Assembly Government and its partners to take forward the Childcare Strategy.

Q.11 Paragraph 6.38 of the report states that “most disabled people are able to make effectively use of mainstream employment services and training programmes.” Please provide more detailed information, supported by statistical data, on how this use is effectively realised.

A.11 The answer to question 9 includes material on the New Deal for Disabled People

The Careers Service

The new Connexions Services are intended to provide all 13-19 year olds with access to advice, guidance and support, through the creation of a network of personal advisors. The new Service is an opportunity to improve transition services for disabled young people. Partnerships will focus on all the different needs of young people. They will focus on ending inequalities and creating chances so that all young people are able to maximise their potential. The guidance that has been issued to Connexions partnerships says that they should provide a full service to disabled young people. They need to be identified and receive co-ordinated support to maximise their opportunities.

These advisors will identify young people with learning disabilities; must be invited to and attend annual reviews of all year 9 pupils with statements of SEN, and will work with the school and other relevant agencies to draw up the transition plans. Each Connexions Partnership should have sufficient personal advisors with the appropriate skills, experience and training to work with disabled young people.

Connexions Partnerships will have responsibility for arranging the local Learning and Skills Council and the Employment Service a review for the young person with learning disabilities in their 19th year, to agree arrangements for appropriate transition from the support provided by the Connexions Service, whilst ensuring continuity. Where young people are not ready to use the adult guidance services, Connexions Partnerships will continue to support them, with the aim of helping them make use of the adult systems and to reduce dependency on the Connexions Service.

Workbased learning for adults

In *England and Wales* responsibility for delivery of Work Based Learning for Adults has, in England, passed to the Employment Service and, in Wales, to the National Council for Education and Training. The objectives of the programme are to equip people with the skills they need to get jobs and to tailor provision to meet the needs of local employers. Self-employment support is also available.

From April 2001, length of provision in England and Wales is generally linked to length of time unemployed. People unemployed for 6-12 months can access up to six weeks training and people unemployed for 12-17 months (prior to New Deal) can access up to 12 months training. A number of disadvantaged groups, including people with disabilities, can have early access to the programme. Only people with disabilities can enter early more than once.

In *Scotland* the Training for Work programme aims to help people improve their work related skills through the provision of appropriate training and structured work activity in line with assessed needs. People with disabilities can enter the programme without waiting the usual 26-week qualifying period of unemployment and part-time training (minimum of 16 hours per week) is also available to disabled people. Only people with disabilities may enter early more than once. The programme is delivered by Scottish Enterprise and Highlands and Islands Enterprise through the Local Enterprise Company (LEC) network.

In addition the Committee should note:

WORKSTEP (formerly supported employment)

WORKSTEP, including REMPLOY – a private company and key provider of supported employment – provides job support to well over 22,000 people with disabilities who face complex barriers to getting or keeping a job, but who can work effectively with the right support. It provides opportunities for disabled people to work in a supportive environment and where appropriate to progress in unsupported employment. New funding of £37.2 million awarded in 2001 for the period to March 2003 will enable the programme to expand and a further 2000+ people to be helped from 2002-2003 onwards. Existing providers will be able to seek help in bringing improvements to their delivery, for example to support the analysis and management of individual development planning.

Programme providers include local authorities, voluntary organisations and REMPLOY, a major employer of disabled people working with over 10,000 people in supported jobs. A current contracting exercise is now also open to proposals from the private sector. WORKSTEP supported employees work in a variety of jobs with mainstream employers

and with supported employment providers, including in supported factories operating within the programme.

Main changes WORKSTEP brings include:

- new eligibility criteria – the previous productivity-estimate for entry was replaced by a process to identify disabled people meeting the Disability Discrimination Act definition who face more complex employment barriers and who could not work without the degree of support offered by the programme; it focuses on people with a disability who are claiming incapacity benefits or unemployed for six months;
- challenging but achievable targets for progression into unsupported employment for new entrants and for people on the programme prior to 1 April 2001: for new entrants the target of 30% relates to progressions over a two year period, for existing employees the target is 10%. Both of these are provisional figures that will be reviewed as the programme rolls out over its first two years;
- outcome related funding replacing the previous occupancy based mechanism which discouraged progression, with staged payments for delivery of individual development planning as well as for progression and sustainability achievements;
- the development of quality standards from 2002 to ensure consistency across the programme and drive forward continuous improvement.

Consultation with major stakeholders was an important part of the two-year process leading up to the introduction of WORKSTEP. A public consultation was held and disabled people, major supported employment trades unions and the providers association, National Association of Supported Employment, all contributed to the design and development of the new programme and worked closely with the Employment Service.

Because WORKSTEP must build on the former programme, and must ensure safeguards and opportunities to existing supported employees already in the programme, change will be gradual. However, the Government's £37.2 million support for the modernisation will greatly assist the quality and pace with which new developments are put in place and we are optimistic for its future development.

Employment Service support for disabled people and employers

As noted in paragraph 6.38, the Employment Service provides Disability Service Teams and it is committed to opening up career opportunities to more disabled people and helping employers recruit, retain and develop disabled employees. See also paragraph 2.08 for the Disability Rights Commission Act and the Disability Rights Commission.

Q.12 Please explain how “changes to certain tribunal rules of procedure” of the 1998 Employment Rights (Dispute Resolution) Act 1998 may “increase efficiency” and what impact this may have on the right to employment and satisfactory pay.

A.12 The Employment Rights (Dispute Resolution) Act 1998 had two main aims:

- to streamline certain employment tribunal procedures, thereby increasing the efficiency of the system; and

- to promote alternative methods of resolving disputes, with the aim of providing greater economy both for the individual and for the tribunal system and improved relations in the workplace.

Section 3 of the Act extended the number of jurisdictions under which a chairman may sit alone, (as a tribunal), to hear a case, with a view to introducing more flexibility into the employment tribunals system, and greater efficiency in terms of savings in time and cost.

Section 13 of the Act provided for the tribunal, in unfair dismissal cases, to take into account whether the employer allowed access to, and the employee utilised, internal appeals procedures when determining the amount to be given in compensation. The aim of this provision was to encourage the use of internal procedures in the workplace, (where they existed), as an alternative to taking disputes to an Employment Tribunal, providing greater economy, both for the individual and for the tribunal system and improved relations in the workplace.

Section 14 of the Act enabled Employment Tribunal claims, which involved both unfair dismissal and disability discrimination to be brought in line with claims involving both unfair dismissal and sex or race discrimination. One effect of this was to prevent compensation being awarded under more than one Act, not only in claims involving unfair dismissal and sex or race, but also those involving unfair dismissal and disability discrimination. This increased efficiency, as it eliminated ‘double recovery’ of awards.

Article 7: Right to just and favourable conditions of work

Q.13 According to paragraph 7.08 of the State party’s report, the hourly full-time wage of women, as of April 2000, was 81.6% of that of men’s. Please provide information on the effectiveness of the initiatives mentioned by the State Party to reduce this pay gap further. Please further specify whether the Employment Tribunals recognise and apply the Code of Practice on Equal Pay.

A.13 As forecast in the last report, the national minimum wage has helped women greatly. The minimum wage gave around one million women an immediate pay rise. This has helped to reduce the gender pay gap to its lowest ever level. In April 2000 women’s average full-time hourly earnings were 81.1% of men’s. This figure compares with 80.2% in April 1998 before the minimum wage was introduced. The rise in the minimum rate to £4.10 in October 2001 further benefited low paid women. The Employment Tribunals recognise and apply the Codes of Practice on Equal Pay.

Q.14 Please provide information on measures taken by the State party to guarantee that persons from ethnic minorities are not subjected to discriminatory treatment, resulting in lower pay and poorer working conditions.

A.14 The United Kingdom’s Race Relations Act 1976 covers discrimination in the field of employment. It includes direct and indirect racial discrimination and victimisation.

An employer cannot use discriminatory criteria when recruiting employees, cannot offer less favourable terms of employment (including pay and holidays), and cannot deliberately refuse a person employment on the grounds of race. All existing employees

must be allowed the same level of access to opportunities for promotion, training or any other benefits, facilities or services.

The Act gives the Commission for Racial Equality the right to issue codes of practice containing guidance for the elimination of discrimination and the promotion of equality of opportunity between persons of different racial groups in the employment field.

There are exceptions within the Act. For example, the Act does allow employers to use positive action measures, which allow for particular racial groups to be given training, education and support to enable them to benefit from job opportunities and services to the same extent as other racial groups. The aim is to create a level playing field to facilitate equality of opportunity for all.

The Race Relations (Amendment) Act 2000 requires key public bodies to be subject to a general duty to promote racial equality. These bodies will be required to conduct ethnic monitoring of staff to include, for example, numbers of people applying for posts, training and promotion.

The EC article 13 Race Directive, which has to be implemented in the United Kingdom by July 2003, includes aspects of employment. It is envisaged that the Race Relations Act 1976 will be amended to remove exceptions that go contrary to the principle of equal treatment.

Q.15 Please provide information on whether the minimum wages that have been introduced in the constituent parts of the United Kingdom, British Virgin Islands, Gibraltar and Turks and Caicos Islands, provide for a reasonable standard of living. Please also indicate whether the introduction of a minimum wage is being considered for those territories for which such a minimum wage has not yet been established, and what the state of progress is with regard to the establishment of a minimum wage for the Isle of Man and the States of Jersey.

A.15 *The United Kingdom*

The national minimum wage was introduced to provide a wage 'floor', below which pay must not be allowed to fall. Well over a million workers have benefited from the minimum wage, some of whom were previously earning as little as £2.50 per hour, or less. The rates set are based on the recommendations of the independent Low Pay Commission, which carries out an extensive and wide-ranging consultation and fact-finding exercise before making its recommendations. The minimum wage is set at a rate, which is sensible, affordable by most employers and does not put at risk the very jobs the lower-paid need if they are to benefit from the minimum wage. The minimum wage works alongside tax measures such as the Working Families Tax Credit (WFTC) which, together with the minimum wage and other benefits provides a guaranteed minimum income of at least £225 a week (£11,700 per year) for families with someone in full-time work (which for this purpose is counted as 35 hours per week). In 2003, the principle of the WFTC is to be extended further to take in also those workers who don't have any children. It will be known as the Working Tax Credit (WTC) and will help tackle poor work incentives and persistent poverty among all working people.

Jersey

A minimum wage system continues to be developed in Jersey as part of a wider project to introduce updated employment legislation. Draft legislation has been prepared on a minimum wage system and is being considered and amended. Consultation will shortly be carried out to establish a rate for a minimum wage and a consultative body (The Jersey Employment Forum) has been established which will enable the rate decided upon to be reviewed from time to time.

Guernsey

There are no plans to introduce a minimum wage in Guernsey. Unemployment is virtually zero and market forces ensure that fair wages are paid.

Isle of Man

The Isle of Man Government has put in place a legislative framework for establishing a statutory minimum wage across all sectors. The Minimum Wage Act 2001 received Royal Assent in July 2001 and comes into effect on 1 January 2002. Both the setting of the initial rates on the minimum wage and the making of any exemptions or modifications are carried out by secondary legislation, under powers provided by the Act, in The Minimum Wage Regulations 2001.

The minimum wage rates set within the Regulations are £4.10 per hour for workers aged 18 years and over, £3.65 per hour for workers aged 17 years, and £3.15 for workers aged 16 years and over the minimum school leaving age. In addition, a development rate of £3.65 per hour is available to workers over 18 but undergoing approved training, for a period of six months. The rates for 16 and 17 year old young people reflect the importance that we attach to protecting those who are amongst the most vulnerable in our society without creating an adverse employment effect either on them or potential employers.

The Minimum Wage Act 2001 provides for the establishment of a Minimum Wage Committee, which shall from time to time make recommendations as to the rates of the minimum wage. The Committee shall consist of a chairman and four other members. The Chairman shall be independent of employers, workers, or their representative organisations, two members shall represent employers, and two members shall represent workers

The majority of workers will be covered by the Minimum Wage Act. There are no exemptions or separate rates by sector, occupation, or depending on the size of the organisation. Certain workers under formal training agreement, such as apprentices are exempt, as are certain students in receipt of grants. The genuinely self-employed are also exempt.

Overseas Territories

British Virgin Islands

In November 1999, the Executive Council of the Territory established a Human Rights Reporting Co-ordinating Committee (HRRCC) and charged it with a number of functions in relation to the implementation of the various international human rights treaties that apply to the territory, including drawing attention to any shortcomings in such implementation and also assisting in the reporting process under those treaties.

The HRRCC has brought to the attention of the Territory's Government its conclusion, based on up-to-date figures drawn from work done by Development Planning Unit of the Ministry of Finance, that the current minimum wage of \$4.00 per hour, which is set under the existing Labour Code, does not provide for a reasonable standard of living. The HRRCC has pointed out that many of the migrant workers in the Territory - who have in recent years constituted a significant part of the workforce - are paid only the minimum wage. The HRRCC also viewed the figures as indicating that the minimum wage is insufficient to support a reasonable standard of living in the single-parent family.

Partly in response to recommendations made by the HRRCC and others that the Labour Code should be revised in this and other respects, the British Virgin Islands Government has prepared a new Labour Code Bill. This has now been laid before the Legislative Council and will shortly be debated there. As part of the process of producing this new Labour Code, and in order to solicit the views of the public on all employment issues, including the minimum wage, a large number of public presentations have been made, including Territory-wide "Town House Meetings", various audiences with the Minister responsible for labour matters and television information sessions conducted by the Minister. These presentations were broadcast live on television and radio and there were facilities for members of the public to call in with their views and questions. All this will of course be taken into consideration when the Labour Code Bill is substantively debated.

Gibraltar

The standard statutory minimum wage in Gibraltar (i.e. for employees not covered by the minimum wage orders applicable to specific industries or occupations) is currently £3.75 per hour. In the case of those employees who are in trades that are covered by such specific orders, the prescribed minimum wages currently range from £146 per week to £233 per week. It is considered that these minimum wages, which approximate to basic wage levels in the United Kingdom, do provide for a reasonable standard of living in Gibraltar. But their adequacy is kept under review.

Turks and Caicos Islands

The national minimum basic wage, which, as noted in part 3 of the report, was fixed in 1993 at \$2.50 per hour, was raised in November 2000 to \$4.00 per hour to reflect changes in the cost of living. It is considered that this current rate does provide for a reasonable standard of living. However, the Government of the Territory will keep the adequacy of the prescribed rate under regular review.

Other Overseas Territories

Bermuda

With a per capita income (in 1996/97) of \$31,200, Bermuda enjoys a very high standard of living and it has not so far been considered necessary to establish a system of prescribed minimum wages. The Government of Bermuda is not currently considering the introduction of such a system. However, in December 2000 the Bermuda Legislature enacted a comprehensive Employment Act (the Employment Act 2000) which now

provides, among other things, for minimum conditions of employment, including protection against unfair dismissal.

Cayman Islands

The question of introducing a statutory minimum wage in the Cayman Islands (either generally or for particular industries) has in fact been under examination for some time and has in the past been considered – though inconclusively – by Select Committees of the Legislative Assembly. Most recently, in March 2001, the Legislative Assembly again established a Select Committee of the whole House whose remit is “to determine a minimum wage for the Cayman Islands”. This Select Committee has met several times but it has not yet concluded its deliberations nor produced any report to the Legislative Assembly.

Falkland Islands

Though there is at present no provision in Falkland Islands law for a national minimum wage, the Falkland Islands Government has for some time had the introduction of such provision under consideration. Information for this purpose has been gathered from employers on a voluntary and confidential basis. In the light of this information, the Falkland Islands Government intends to consider over the next few months whether a national minimum wage should indeed be introduced and, if so, whether it should initially be based on a voluntary agreement between employers and Government or whether there should, from the start, be a statutory scheme, i.e. whether legislation needs to be introduced. Whichever way a national minimum wage is to be implemented, the Falkland Islands Government would need to determine the criteria for setting its level and it is intended that there should be consultations for this purpose with the local trade union, with the Chamber of Commerce and with representatives of farmers.

Montserrat

The possibility of introducing a statutory minimum wage system in Montserrat has been under active consideration for some time and there has been some preliminary work on the necessary legislation. But no firm conclusions have yet been reached and the Montserrat Government has no immediate plans to proceed with the establishment of such a system.

Pitcairn

In the particular circumstances of Pitcairn – whose current population is some 44 persons, with all working members of the population being self-employed – the question of establishing a system of statutory minimum wages does not arise.

St. Helena

Though there are no immediate plans to introduce a system of statutory minimum wages in St. Helena, the possibility of such a move is under active consideration. Following a discussion of the matter in the Legislative Council, a Household Expenditure Survey and a Living Standards Survey were conducted by the Development and Economic Planning Department of the St. Helena Government. The Living Standards Survey particularly targeted vulnerable groups. The returns from both Surveys are still being analysed. In the light of the results of that process, an informed decision can then be taken on whether to introduce a minimum wage system.

Q.16 According to information available to the Committee, the minimum wage does not provide a decent standard of living for most workers with families, but other benefits fill the gap. Please explain whether these other benefits are sufficiently guaranteed at all times, or whether there are shortcomings.

A.16 United Kingdom

Relying on the minimum wage alone to guarantee a decent minimum income to families with children would require it to be set at such a high rate that this would inevitably reduce the job prospects of many people looking for work.

However, the minimum wage works alongside tax measures such as the Working Family Tax Credit (WFTC) which, together with the minimum wage and other benefits provides a guaranteed minimum income of at least £225 per week (£11,700 per annum) for families with children and with at least one full time worker (which for this purpose is defined as a 35 hour week). In 2003, the principle of the WFTC is to be extended further to take in those workers who don't have any children. It will also be known as the Working Tax Credit (WTC) and will help tackle poor work incentives and persistent poverty among all working people.

The following updates the material provided in the report in respect of the United Kingdom: -

CURRENT NATIONAL MINIMUM WAGE RATES

| <u>Rate per hour</u> | <u>From 1 October 2001</u> | <u>From 1 October 2002</u> |
|---|----------------------------|----------------------------|
| <u>Main Rate</u> (for workers aged 22 or more) | £4.10 | £4.20* |
| <u>Developmental Rate</u> (for workers aged 18-21 and workers aged 22 or more starting a new job with a new employer and receiving accredited training.) | £3.50 | £3.60* |

*increase subject to economic conditions

Nearly one and a half million workers benefited from the recent increase (from 1 October 2001) to the minimum wage rates. Of these around one million were women.

Article 8: Trade union rights

Q.17 According to paragraph 8.07 of the State party report, the 1999 Employment Relations Act prohibits discrimination by omission, as well as by action, on the grounds of trade union membership or union activities, a provision which came into force on 25 October 1999. Please provide information on the implementation of this provision.

A.17 On 25 October 1999, Schedule 2 of the Employment Relations Act 1999 came into force. This Schedule amends Section 146 of the 1992 Act and makes it unlawful to discriminate by omission on the grounds of trade non membership, non-membership or activities. Prior to this amendment discrimination by omission – by treating someone less favourably by failing to act – on the grounds of trade union membership was not prohibited. The amendment made it unlawful for an employer to take action, which gives a benefit to non-union members but deliberately penalises union members by omitting to confer the same benefit on them. This right is enforceable through Employment Tribunals.

Article 9: Right to social security

Q.18 According to the information at the Committee's disposal on Turk's and Caicos Islands, there is a gap between required retirement age and the age for accessibility to National Insurance benefits, non-contributory pensions and old age benefit. What is the reason for this and what impact does it have on the welfare of those who retire and fall into this gap?

A.18 Except for public officers, there is no required retirement age in the Turks and Caicos Islands. Moreover, entitlement to the benefits available under the National Insurance Ordinance (see paragraph 301 of part 3 of the report) – and this legislation applies to all employees, both public officers and persons in private employment – is, in general, not conditional on the claimant having retired from employment. The obvious exception is retirement benefit. Under the Ordinance (and Regulations made under it), an insured person becomes entitled to retirement benefit when he attains the age of 60 years if he has by then paid the requisite number of contributions and if he is then no longer in insurable employment. If he does not satisfy those two conditions when he attains the age of 60 years, he becomes entitled to retirement benefit as soon thereafter as he does satisfy them; and the condition that he is no longer in insurable employment in any event ceases to apply when he attains the age of 65 years.

Public officers, however, are generally required to retire at the age of 55 years, though in exceptional cases they may be required to retire earlier or may be permitted to serve longer. Under the relevant legislation (the Pensions Ordinance and the Public Service Regulations), an officer who has been in the public service for a minimum period of 10 years qualifies, on retirement from the service, for a pension which is calculated by reference to (broadly speaking) his salary and the length of his service. An officer who has not been in the public service for the prescribed minimum period qualifies for a gratuity of up to five times the annual pension which he would have received if no minimum period of service had been prescribed. This public service pension or gratuity is quite separate from, and is in addition to, any entitlement which the officer may have, or may eventually have, as an insured person, to a benefit under the National Insurance legislation.

Q.19 What are the levels of sick pay, in the territories where the right to paid sick leave exists? Is there an intention to introduce in the territories, in which such a right to paid sick leave is not provided for, legislation to that end?

A.19 The United Kingdom

The rate of statutory sick pay is set out in Annex 2 in the report.

Crown Dependencies

Guernsey

The references to “sick pay” and “sick leave” suggest that the question refers to more general questions of employment, and may stem from the fact that in the United Kingdom, the Social Security Acts impose statutory sick pay as a duty on employers, so that sickness benefit is not payable to employees who satisfy the condition of having been employed for more than a minimum period. There is currently no intention of imposing a statutory entitlement to “sick leave”. The payment of wages during sickness is entirely a contractual matter between employer and employee.

However, all persons who satisfy the relevant contribution conditions are entitled to sickness benefit, the maximum weekly rate of which is currently £81.06. Additionally, any person incapacitated by sickness, whether they satisfy contribution conditions or not, has the protection of means-tested assistance under the Supplementary Benefit Law, which is a scheme of social assistance.

Jersey

No statutory sick pay scheme exists in Jersey and there are no plans for such a system, where employers pay sick pay, to be introduced. Jersey operates a contributory Sickness and Injury Benefits Scheme through its Social Security system established in 1951. The rates of benefit which compensate for loss of earnings are higher than social system benefits paid in Jersey and are increased each year by the percentage increase in Jersey’s wages index. Many companies continue paying employees when sick and recoup the benefit from their employees. The self-employed are covered through the Social Security system.

Isle of Man

In the Isle of Man as in the United Kingdom contractual provisions for sick pay may apply but there is no obligation on the employer to operate a sick pay scheme.

An employer may agree to pay his employees while they are absent due to ill health. Such payments commonly run for a specified period of time and are subject to conditions.

Where there is a contractual benefit to sick pay the written particulars given to an employee setting out the terms and conditions of his employment must contain any provision for sick pay (Section 1(3) (ii) the Employment Act 1991).

There are no plans to make it compulsory for employers to operate sick pay schemes on the Island. The Department of Health and Social Security (DHSS) has no plans to look at statutory sick pay.

A summary of recent changes made to the statutory benefits for sick and disabled people, and benefit rates for 2000/01 and 2001/02 are detailed in Annex II below.

Overseas Territories

Bermuda

Under the Employment Act 2000, an employee who has completed at least one year of continuous employment is entitled to be paid at his normal hourly wage in respect of eight days per year when he is unable to work due to sickness or injury.

British Virgin Islands

Under the statutory Social Security Scheme, all employees, both in the public and the private sectors, are entitled to sick pay at the rate of 66 2/3 % of their insurable earnings. In the case of a high-income earner, insurable earnings may be less than total salary. This sick pay may be claimed after the fourth consecutive day of incapacity.

In parallel, there is provision in the Labour Code requiring all employers to grant sick leave, on full pay, for up to 12 days a year. (Most employees in fact prefer to invoke this entitlement in the first place, only claiming the Social Security Scheme benefit when the 12 days have been used up.)

However, there is separate provision in General Orders for paid sick leave in the public service. An officer on the permanent and pensionable establishment may receive sick leave on full salary for an initial maximum of 14 days. This may be extended up to a maximum of six months of such leave during a 12-month period if medical evidence is produced that there is a reasonable prospect of the officer's recovery. Thereafter, he may be granted further sick leave, but on half salary only, subject to a maximum of 12 months sick leave in all, including both periods on full salary and periods on half salary. In the case of officers appointed on contract and other Government employees, sick leave may be granted, on full salary, for a maximum of 60 days during a 12-month period.

Cayman Islands

In the private sector this matter is regulated by the Labour Law 2001, which applies to all persons in an employer/employee relationship except those employed in the public service or by charitable organisations or churches. This Law provides that every such employee is entitled to sick leave on workdays, or parts of workdays, on which he is ill or otherwise physically incapacitated for work and that, for the first 10 days of sick leave taken during any period of 12 consecutive months calculated from the commencement of his employment (or the anniversary of that commencement), he shall be paid the basic wage which he would have received if he had worked on those days.

Sick leave in the public service is regulated by General Orders (the code of rules which governs the terms and conditions of service of public officers). In the case of officers engaged on "pensionable" terms (i.e. permanent members of the public service), the initial entitlement is up to 10 days sick leave, on full pay, in any calendar year. A medical certificate must be submitted but a Head of Department may waive that requirement for any absence of up to three working days, subject to a maximum of five uncertified days in each year. When the 10 days have been used up, an officer may, on submission of satisfactory medical documentation, be granted extended sick leave, again on full pay, for as long as the medical certificate recommends, subject to a maximum of

25 calendar weeks. If, when this extended sick leave expires, a medical board advises that the officer will eventually be fit to resume duty, a further period of up to 27 weeks sick leave may be authorised, but this will be on half pay.

The entitlement for officers who are not on pensionable terms (i.e. contract officers and temporary staff) is the same as for pensionable officers except that their maximum period of extended sick leave is 90 working days. If they are not fit to resume duty when that period expires, their appointments must be terminated.

Falklands Islands

There is at present no statutory right to sick pay in the Falklands Islands and the Falklands Islands Government has no immediate intention to introduce such a right. However, a number of employers, including the Falklands Islands Government, provide a contractual right to sick pay to their employees.

In the case of public officers, the entitlement to paid sick leave is governed by General Orders. These provide that every public officer enjoys an entitlement to paid sick leave of 20 working days per leave year (1 July -30 June) and that any part of this annual entitlement that is not used may be accumulated and carried forward, up to a maximum of 200 working days. (But of course it may not be taken as ordinary leave.) An officer may take up to five working days sick leave without producing a medical certificate unless such a certificate is specially called for by the Head of Department. If the officer's sickness or injury has been contracted or caused in the course of his employment, he may, on production of a report from a Government medical officer, take paid sick leave without drawing on his accumulated entitlement. There is always discretion to grant extra paid sick leave in exceptional circumstances.

Gibraltar

The Employment (Sick Pay) Order entitles employees to two weeks sick leave on full pay and, thereafter, four weeks sick leave on half pay. The rate of pay for this purpose is what the employee earns in any given remuneration period.

Montserrat

In Montserrat, also, the position differs according to whether the employee is employed in the private sector or is a public officer.

In the private sector, the Employment Ordinance provides that an employee who has had not less than 13 weeks of continuous service with his employer is entitled, on production of a medical certificate, to up to 24 days sick leave per year. There is no statutory obligation on the employer to provide sick pay. But, under the social security legislation, an employee is entitled to sickness benefit from the fourth day of his incapacity (excluding a Saturday or a Sunday for this purpose) and up to a maximum of 26 weeks in any one continuous period of incapacity (disregarding any interval of not more than eight weeks between two periods of incapacity). The weekly rate of sickness benefits is 60% of the employee's average insurable earnings in the 13 weeks immediately preceding the onset of his incapacity, and the daily rate is one-fifth of that.

For the public service, the position is regulated by General Orders. An officer on the personal pensionable establishment may be granted up to 25 working days sick leave, on

full pay, in a year, subject to production of a medical certificate (though this may be dispensed with by a Head of Department for absences of up to two consecutive days).
When the initial maximum of 25 days has

been used up, extra sick leave, again on full pay, may be granted if certain conditions are satisfied, up to a maximum of 150 days. Thereafter, further extensions of extra sick leave, but on half pay, may be granted, provided that the maximum amount of extra sick leave, on full pay and half pay, may not exceed 300 working days in any period of four years.

Public officers appointed on contract terms or to non-pensionable posts have an initial entitlement to paid sick leave similar to that of pensionable officers (i.e. up to 25 working days, on full pay, in any year). Thereafter, such a non-pensionable officer may in certain circumstances be granted extra sick leave, again on full pay, for a maximum of 25 days in a year. In exceptional circumstances he may then be granted an extended period of extra sick leave, on full pay or half pay, but his total extra sick leave, whether on full pay or half pay, may not exceed 75 days.

Pitcairn

There is no provision for paid sick leave in Pitcairn, where the total population currently numbers some 44 persons and all the working members of the community are self-employed.

St. Helena

In St. Helena, too, the position differs as between the public and the private sectors.

In the public sector, the entitlement to paid sick leave is governed by Public Service Orders (the equivalent, in this context, of General Orders in some other Territories). A public officer appointed to an established post, whether pensionable or non-pensionable, may be granted sick leave on full pay for up to six months, provided that there is a reasonable prospect of his recovery from his incapacity (and this must be established by a medical certificate if the sick leave exceeds 30 days). Thereafter, further extensions on half pay may be granted, subject to a maximum period of sick pay of twelve months in any period of two years. Where the officer is suffering from an injury sustained in the course of his duties or an illness caused or directly attributable to the nature of his duties, he may be granted sick leave on full pay without regard to the maximum periods otherwise applicable.

A Government full-time employee, other than one holding an established post is eligible for paid sick leave at the following rates:

- during the first year of continuous employment – 15 working days on full pay and, provided that he has completed six months' continuous employment, 15 working days at half pay;
- after one year's continuous full time employment – 60 working days on full pay and 60 working days on half pay in any calendar year.

For a part-time public employee, the eligibility for paid sick leave is essentially the same as for a full-time unestablished employee, except that the rate of pay during such leave (whether full pay or half-pay) is calculated by reference to his average weekly hours of work (averaged over the previous month) as a proportion of the number of hours set for full-time employees.

There is no statutory requirement to provide sick paid leave in the private sector, and the practice varies as between different employers. But, as examples, the practices of two of the larger employers is, as follows:

St Helena Development Agency

A maximum of 30 days on full pay, followed by 30 days on half pay, during each of the first three years of employment; a maximum of 60 days on full pay, followed by 60 days on half pay, in each subsequent year. This sick leave may be granted without production of a medical certificate for a maximum of 30 days in any one-year of employment. But where the leave will exceed 30 days, a medical certificate that there is a reasonable prospect of recovery is required.

Cable and Wireless PLC

A maximum of 20 working days on full pay, followed by 130 working days on half pay, during the first six months of employment; an annual maximum of 130 working days on full pay, followed by 130 days on half pay, after six months service. There is an overall maximum of 12 months paid sick leave (whether on full pay or half pay) in any rolling 12-year period. The annual maximum for a part-time employee is calculated, on a pro rata basis, according to the number of his contracted working days per week.

Turks and Caicos Islands

Under the Employment Order (which itself is made under the Employment Ordinance), an employee who has been in continuous employment of his employer for at least four weeks is entitled to sick leave with pay on workdays during which he is ill or otherwise physically incapacitated for work. If the illness or incapacity lasts more than two days, a medical certificate must be supplied. While on sick leave he is entitled to receive his basic wage for the first 12 days of such leave during any period of 12 consecutive months. However, the employer is entitled to deduct any National Insurance benefit that the employee may have received for his incapacity during those days.

Under the National Insurance Regulations (Benefit) Regulations (themselves made under the National Insurance Ordinance), an insured person (see paragraph 300 of part 3 of the report) who, when his incapacity for work arises, is in insurable employment and who has paid the prescribed number of contributions is entitled to sickness benefit for any day on which he is incapable of work because of disease of a bodily or mental disablement. However, this entitlement does not apply to the first three days of any continuous period of incapacity (including public holidays but disregarding Sundays). It is payable for each day of incapacity (excluding Sundays), subject to a maximum of 156 days in any continuous period of incapacity and at the weekly rate of 60% of the employee's average weekly insurable earnings (or one-sixth of that per day).

Separate provision is made for paid sick leave in the public service by General Orders. In the case of an officer on permanent and pensionable terms, sick leave on full pay may be granted for up to six months, in any period of 12 months and, thereafter in the same period of 12 months, for up to a further period of six months on half-pay. But there is an overall permitted maximum of 12 months paid sick leave in any period of four years. Officers who are not on permanent and pensionable terms may be granted sick leave on full pay for up to three months in any period of 12 months. There is a discretionary power in all cases to grant extra sick leave on full pay if the officer concerned is suffering from an injury sustained in the execution of his duties or an illness caused by or directly attributable to the nature of the duties. Any officer who claims sick leave must report at once to a Government medical officer.

Q.20 The States of Jersey have agreed in principle to amend the Social Security Law so as to extend coverage of this law to all working women. Please provide updated information on the progress on the required amendment, and please explain the future role of the voluntary Code of Good Practice after adoption of such amendment.

A.20 The amendment abolishing the married woman's option not to pay contributions was implemented in April 2001 and covers newly married women and new entrants to the Jersey Social Security Scheme. The Voluntary Code of Good Practice on Maternity continues to apply in Jersey where, because of the export of Maternity Benefits through reciprocal agreements and social security, coverage is in excess of 100% of the number of live births in the Island. The rate of Maternity Benefit is the same as all other benefits compensating for loss of earnings and is paid for 18 weeks around confinement at a level above social assistance benefits.

Article 10: Protection of the family, mothers and children

Q.21 Please provide information on the extent of teenage pregnancies and abortions in the different territories of the State Party. What measures are being undertaken to address these problems? Please also provide information on whether programmes on sexual and reproductive health are provided in the State party's territories.

A.21 England

Data

In England, in 1999, there were 39,225 conceptions to young women under 18 years of age, a rate of 44.7 per 1,000 aged 15-17. Of these, some 7,400 were to women under the age of 16, a rate of 8.3 per 1,000 women aged 13-15. Conception data for 2000 will be published in February 2002.

185,375 abortions were performed in England and Wales in 2000 amongst women of all ages (under 15-45 and over). These included:

| | |
|----------------------------|-------------------|
| English residents | 168,023 (35,048)* |
| Welsh residents | 7,519 (1,918)* |
| Scottish residents | 345 (69)* |
| Northern Ireland residents | 1,528 (301)* |

*Figures in brackets are for young women aged 19 or under.

The Department of Health does not hold the number of terminations performed in Scotland or Northern Ireland.

Abortions may lawfully be carried out in England, Scotland and Wales in the circumstances specified in the Abortion Act 1967. The Government has no plans to change the law on abortion.

A pregnancy may only be terminated if two registered medical practitioners are of the opinion, formed in good faith, that an abortion is justified within the terms of the Act, in

the light of their clinical judgement of all the particular circumstances of the individual case. The grounds for an abortion are to prevent risk to the woman's, or her existing child (ren)'s, mental or physical health or where is a substantial risk that if the child was born it would suffer from such physical or mental abnormalities as to be seriously handicapped.

Action

Launched in 1999, the Government's ten-year teenage pregnancy strategy is a holistic cross Government programme which addresses the root causes of teenage pregnancy in England. It has two main goals of halving the rate of conceptions among under 18 year olds and setting a firmly established downward trend in the conception rates for under 16 year olds by 2010; and increasing the participation of teenage parents in education and work.

Over half of the strategy's thirty action points have been implemented including:

- local teenage pregnancy strategies and targets in place to underpin delivery of the national targets and goals;
- an ongoing young people's national media campaign with advertisements in teenage magazines and on local radio;
- new guidance on sex and relationship education was published in 2000;
- 20 Sure Start Plus pilots providing personal support for pregnant teenagers and teenage parents on health, education and benefits and housing issues;
- nine pilot areas testing how to best provide childcare for teenage parents to help them return to education, training or employment;
- six housing pilots are being developed to test how best to provide support to lone parents under 18 years old who are unable to remain at home with their parents;
- funding to 48 local education authorities (extended to 89 from April 2002) with the highest teenage pregnancy rates to help to reintegrate school age mothers (under 16) back into education;
- detailed guidance to schools on the education of school age parents was published in October 2001; and
- work to encourage parents to talk to their children about sex and relationships.

Approximately four million people use contraceptive services every year. Roughly three-quarters see a General Practitioner (GP) and the remainder attend specialist contraceptive services. Contraceptives are available on the National Health Service (NHS) without a prescription charge. Condoms are not prescribed; however they are provided free of charge in contraceptive clinics and those GPs participating in condom schemes.

In July 2001, the Department of Health launched a National Strategy for Sexual Health and HIV for England and one of its aims is to reduce unintended pregnancy rates. During 2002, the Department will develop a new information campaign for the general population on preventing sexually transmitted infections (including HIV) and unintended pregnancies.

Northern Ireland

Pregnancy

The rates of teenage pregnancy in Northern Ireland with 1700 births per year are among the highest in Europe. Rates are highest in areas of greatest deprivation.

Numbers of births to mothers aged under 20 (1997-1999)

| | |
|------|--------------------------|
| 1997 | 1646 |
| 1998 | 1736 |
| 1999 | 1795 |
| 2000 | Not available at present |

The Northern Ireland Executive in its Programme for Government, 2001-2004 gives a commitment to tackling the problems associated with teenage pregnancy.

The Department of Health, Social Services and Public Safety issued the report of a Working Group on Teenage Pregnancy and Parenthood entitled *Myths and Reality* for public consultation in November 2000.

The consultation exercise endorsed the need for effective action to address the issue. A Strategy and Action Plan is at an advanced state of development and it is hoped to issue by the end of April 2002.

Abortion

The Abortion Act 1967 does not extend to Northern Ireland. Abortion here is regulated by the Offences Against the Person Act 1861, the Criminal Justice Act (NI) 1945, and in case law, particularly the Borne Judgement (1938). Based on that judgement, it is understood that abortions are illegal in Northern Ireland except where necessary to save the life of the mother, or where continuance of the pregnancy would involve risk of serious injury to her physical or mental health.

The latest figures available relate to 1998 when at least 1581 women from Northern Ireland had abortions performed in England. Of these, 305 were in respect of women under 20. As travel to England is a cost incurred by the individual, those on low incomes may not either be able to gain access to this service, or suffer additional stress and hardship as a result of doing so.

Sexual Health Promotion Strategy

The Department of Health, Social Services and Public Safety plans to develop a Sexual Health Promotion Strategy and Action Plan by March 2003. The Strategy will address the rising prevalence of Sexually Transmitted Infections and of HIV.

Wales

In Wales, the rate of conceptions to women aged 15-17 was 50.8 per 1000 women of this age group in 1999. In the same year, the abortion rate for this age group was 18.4 per 1000 women.

The rate for conceptions to women under 16 years of age between 1997-99 was 10.2 per 1000 women of this age group. The abortion rate over the same period of time for under 16 year olds was 4.7 per 1000 women.

In January 2000, the National Assembly for Wales published the document, *A Strategic framework for promoting sexual health in Wales*. The strategy action plan has a number of objectives, which include reducing the rate of teenage pregnancy, and reducing the rates of sexually transmitted infection in Wales. Ensuring young people have access to the information, advice, and services they require to enable them to make healthy life choices regarding their sexual health is key to these objectives. Recent work includes the development of new guidance on sex education in schools; new guidance for sexual health service commissioners to encourage the development of services geared specifically to the needs of young people; and public education campaigns to highlight the availability of emergency contraception and to promote safer sex.

Crown Dependencies

Guernsey

The following figures relate to 2000:

| | |
|--|------------------------------|
| Total numbers of births: | 644 |
| Numbers of births to teenage mothers: | 42 (6.5% of all births) |
| Number of pregnancies terminated by teenage mothers: | 17 (15% of all terminations) |

Advice on sexual health and contraception is taught as part of the “Personal, Social and health Education” programme in all Island secondary schools. Additional funding was provided by the States to the Guernsey Family Planning Clinic, commencing in 1997, since when there has been a 94% increase in women under 20 years of age attending the Family Planning Clinic. These women comprise 54% of all Family Planning Clinic attendances.

Jersey

There are a number of initiatives and measures being taken to address the problem of teenage pregnancies and abortion in the Island, as well as programmes on sexual education. In fact, both the Education and Health and Social Services Departments work towards this aim. The following outlines the efforts of both these departments:

a) Education and Training

Citizenship and Personal, Social and Health Education (PSHE), including sex education, have been part of the Jersey curriculum in both primary and secondary schools since 1995. A programme of advisory support has been provided by the Education Department since 1995 and schools also access the support offered by Jersey’s Health Promotion Unit and the Sexual Health Strategy Group (as detailed below in (b) below). As in the United Kingdom, sex education is also studied as part of the science curriculum by all pupils.

The Education Department is at present engaged in delivering a specific programme to support teachers and parents of primary children in the teaching of sex education. Training sessions for primary teachers will take place in the summer and autumn terms 2002. An information leaflet for parents entitled ‘Sex and Relationship Education In Primary Schools’ sponsored by the Education Department, has been produced by the education sub-group of the Sexual Health Strategy Group.

The ‘Baby Think It Over Parenting Project’ is a highly successful school and community initiative engaged in encouraging young people to experience the responsibilities of parenting. Since 1997,

nearly 600 teenagers between the ages of 14 and 18 have taken part in the programme, in which they look after a computerised baby for a weekend. An evaluation of the project conducted by the Education Department in March 2001 indicates that the programme has made the young people taking part much more aware of the demands and responsibilities of parenthood. This programme is jointly sponsored by the Education Department and the Crime and Drugs Strategy Unit in the Island.

These same two units also sponsor an extremely successful parenting programme where full time managers are employed to support parents in understanding and supporting their children. For example, at present an eight week 'Understanding Teenagers' programme helps parents to support their children through adolescence, including topics such as sex, drugs and alcohol.

b) Jersey Sexual Health Strategy

Since 1995 the Health and Social Services Committee has grant funded an independent Brook Advisory Centre in the Island, a branch of a national charity providing counselling, education and contraceptive services exclusively for young people aged under 25 years. The branch also provides outreach work in schools and youth centres.

A Sexual Health Strategy Group in Jersey was convened at the request of the Health and Social Services Committee in 1999. This group brings together various agencies, which contribute to the improvement of sexual health in the Island.

The group has identified initiatives in three main areas:

i) education, training and providing information;

The aim of this initiative is to improve the availability and quality of information which will include methods of contraception; where to get advice, where to go for different types of service; and what support is available for females who choose to keep their baby though the pregnancy is unintended.

One major success in this area is the publication by the Jersey Association ACET, of a guide to sexual health in Portuguese and English. This booklet was highly acclaimed and provides excellent information through use of visual communication, and is easy to follow.

A booklet called *Sex Reality* was distributed by the Health Promotion department in June 2001. This is aimed at age 20-40 years, and contains information about the range of services available in Jersey, and where to find information and advice.

ii) service delivery;

The aim of this initiative is to improve the uptake of family planning advice and services and to improve the detection and treatment of sexually transmitted infections.

In January 2001 the United Kingdom licensed the sale without medical prescription of emergency contraception pills by community pharmacists. It was agreed by the Medicines Advisory Committee that the approach in Jersey would be to revise the law to allow some drugs to be provided by non-medical staff in line with agreed protocols which addressed a number of key headings. When this law amendment is in force, a protocol for making emergency contraception available through pharmacists will be finalised.

Training in family planning for General Practitioners was arranged in June 2001.

iii) measures of health and service performance;

Indicators

Table 1 shows a different selection of indicators and identifies the proportion of teenagers for each.

Table 1 Selected indicators for Jersey

| | average annual numbers 1997-99 | numbers 2000 | % teenagers 2000 |
|-------------------------------------|---------------------------------------|-----------------------|--|
| Live births | 1101 | 979 | 2.8% <i>19 and under</i> |
| Terminations of pregnancy in Jersey | 311 | 297 | 1.7% <i>15 and under</i> 16.5% <i>16-19</i> |
| Family planning clinic attendances | 3598 | 3943 | 0.1% <i>15 and under</i> 4.6% <i>16-19</i> |
| Brook Advisory Centre attendances | 3625 | 4685 | 2.4% <i>15 and under</i> 58% <i>16-19</i> |
| STI's - new cases | 313 | Data not yet complete | x % <i>19 and under</i> |

The work being done by these two States' Departments is complemented by the Aids Care Education and Training (ACET) Jersey, a local charity supported primarily by the States of Jersey Government. The aims of ACET are :

- to reduce the number of new HIV infections through professional training, education and awareness initiatives;
- to ensure local minority groups have equal access to sexual health, drugs and HIV/Aids education, information and services;
- to promote families as an ideal forum for children to learn about sexual health, drugs and relationships;
- to support parents as educators of their own children, in partnership with schools;
- to work in partnership with local voluntary and statutory agencies to promote policies and deliver services which reduce vulnerability and improve the sexual health of the whole community in Jersey; and

- to confront prejudice and to help break down the stigma of Aids in society.

ACET is particularly interested in the Portuguese community given that language barriers make it difficult for many to access the information and services they need in order to safeguard their own sexual health. As such, over the past four years ACET has developed a number of initiatives which help Portuguese people integrate successfully and access the information and services they need to safeguard their own sexual health and adopt a health enhancing life style. ACET liaises with sexual health agencies in Portugal to provide literature about sexual health in the Portuguese language. A local guide to sexual health in English and Portuguese was published in 2001.

Isle of Man

Teenage pregnancy

In the year 2000, 831 births were registered to Isle of Man mothers.

Of the 800 of the births for which the mother's age is known, 61 were born to mothers aged 16-19. A further 22 were born to mothers aged 20.

It appears that no births to mothers aged 16 or less were recorded. This is unlikely to be an accurate reflection of reality. It is possible that the age of some mothers may have deliberately not been recorded for the tactful, if misguided, purpose of avoiding stigma in a small community.

It is of course also possible that some teenage mothers may have chosen to deliver in other adjacent jurisdictions for similar reasons, but information on any such births is currently not available.

If reliable, these figures would indicate that teenage pregnancy rates are far lower in the Isle of Man than in the United Kingdom. Anecdotal evidence would suggest otherwise.

Termination of pregnancy

Termination of pregnancy is only allowed in the Isle of Man under stricter medical criteria than in adjacent jurisdictions. As a result, many women who wish to have a termination, and who might not meet the strict criteria, travel elsewhere, notably to England, for the procedure.

Over the past six years, a mean of 3.7 terminations per year have been performed in the Isle of Man. The actual figure for 2000 was 4.

In 2000, 177 Isle of Man resident women had terminations in England. Their age/sex distribution was:

| <u>Age band</u> | <u>Number</u> |
|-----------------|---------------|
| 15-19 | 46 |
| 20-24 | 49 |
| 25-29 | 34 |
| 30-34 | 28 |
| 35-44 | 20 |

Programmes on sexual and reproductive health are currently provided, but these are felt to be inadequate. A comprehensive draft Sexual Health Strategy for the Isle of Man has been released for wider consultation, and the final version is expected in April 2002.

The objectives of the Draft Strategy are:

- to improve public awareness of the purpose of sexual health services and to improve their accessibility;
- to reduce the incidence of sexually transmitted infections, especially chlamydia and gonorrhoea, by 25% by 2006;
- to reduce the number of unplanned pregnancies, especially teenage pregnancies, by 25% by 2006;
- to increase the uptake of STI testing, especially for chlamydia, by 50% by 2006;
- to provide an accredited training programme on sexual health for all staff providing sexual health services;
- to encourage those at risk from hepatitis B/C and HIV to seek appropriate counselling and testing; and
- to ensure that all those with HIV or affected by it receive appropriate counselling, support, treatment and care on the Island at the earliest opportunity.

The Draft Strategy proposes, inter alia:

- improvements to clinical services, both in hospital and in a satellite location, to render services more accessible in the north of the Island;
- improvements in the gathering and analysis of reliable statistical information;
- provision of hepatitis B testing and immunisation to vulnerable groups;
- HIV antenatal testing, and hepatitis and HIV testing and counselling to be made available at the Community Drug Team premises;
- the need for significant improvements in Health Promotion resourcing is recognised;
- reviews of roles, effectiveness and training needs in Health Promotion and Sex Education; and
- review of the method of provision of Family Planning and Emergency Contraception Services.

Overseas Territories

Bermuda

In 1999, there were estimated to be 5,011 teenagers (i.e. persons between the ages of 13 and 19 years) in Bermuda, of whom 2,646 were female. These teenage females represented 4.5% of the total population. In recent years both the teenage pregnancy rate and the teenage delivery rate have been relatively stable. The average teenage pregnancy rate over the past nine years has been 4.8% of the teenage female population, with a high of 5.7% in 1991 and a low of 4.0% in 1997. In the same period, the average teenage delivery rate has been 3.0% of the teenage female population, with a high of 3.5% in 1991 and a low of 2.6% in 1997. The stability in both of these rates is attributed primarily to changes in public policy and to a safety net that has been developed by the Government of Bermuda, in partnership with the private sector. A fuller account is given in the paper, entitled “*Addressing Teen Pregnancy in Bermuda*”, which was published in November 2001 by the Ministry of Health and Family Services and copies

of which are being transmitted to the Committee's Secretariat together with the present response for consultation by members of the Committee.

In 1999, there were 13 recorded teenage abortions in Bermuda. The measures that are being taken in Bermuda to address the problem of teenage abortions are also described in the paper referred to above, particularly in the section headed "*the Safety Net.*"

British Virgin Islands

There is believed to be a high incidence of teenage pregnancy in the British Virgin Islands, but no reliable statistics or estimates are available. Such cases are largely dealt with outside the Territory's social services structure because of the ease of access for this purpose to education and health facilities and services in other countries in the region, especially those in nearby United States Territories.

A similar position obtains as regards abortions. There are in fact no facilities for legal abortion in the Territory.

Programmes on sexual and reproductive health are provided in the education system as part of the science curriculum. In its report for the year 2000, the Human Rights Reporting and Co-ordinating Committee (see under A.15) recommended that Health and Family Life education should be included in the school curriculum and that proper arrangements should be made to assist teenage mothers to complete their education. The Government of the Territory is in fact in the process of setting up an alternative education programme, and teenage mothers are a particular target group, which is expected to benefit from this. More generally, the promotion of Health and Family Life education is under discussion in the Ministry of Education and the necessary implementation strategies are being considered.

Cayman Islands

The latest available statistics (i.e. for the years 1995-2001) for births to teenage mothers in the Cayman Islands are as follows:

| Year | Age 15 or less | Age 15-19 | Total teenage births | Total births | % of teenage births |
|-------|----------------|-----------|----------------------|--------------|---------------------|
| 1995 | 0 | 55 | 55 | 485 | 11.3 |
| 1996 | 1 | 47 | 48 | 560 | 8.6 |
| 1997 | 1 | 44 | 45 | 572 | 7.9 |
| 1998 | 1 | 57 | 58 | 545 | 10.6 |
| 1999 | 0 | 57 | 57 | 604 | 9.4 |
| 2000 | 0 | 36 | 36 | 619 | 5.8 |
| 2001 | 0 | 37 | 37 | 622 | 5.9 |
| Total | 3 | 333 | 336 | 4007 | 8.5 |

The carrying out of an abortion is unlawful in the Cayman Islands unless it is done to preserve the life of the mother. No statistics of unlawful abortions are available. The Cayman Islands hospital data indicates that, during the years 1996-1999, 139 pregnancies were aborted on medical grounds. Four of these cases involved teenagers - one under 15 years of age and the other three aged between 15 and 19 years.

Sexual and reproductive health topics are covered in high school through the Life Skills programme, in family planning clinics organised by the Community Health service and in Young Parent Programmes for teenage mothers.

Falkland Islands

During the 10 years to 19 November 2001, there were no pregnancies of females under the age of 16 years known to the Falkland Islands Medical Services. Three married women over the age of 16 years but under the age of 20 years became pregnant and gave birth, as did 24 unmarried females in the same age bracket (of whom a number were living in long-term relationships). It is to be noted that 16 years of age is the minimum age both for marriage and for a female to engage in sexual intercourse.

During the same period, no abortions were performed in the Falkland Islands by the local medical services, who refer any potential abortions to medical services in the United Kingdom. Records show four abortions being carried out in the United Kingdom during that period on females from the Falklands Islands aged over 16 but under 20 years. There is no record of any abortion being carried out during that period on any female from the Falkland Islands under 16 years of age.

The Falkland Islands authorities recognise that teenage sexual activity, both under and over the age of 16 years of age, is a problem. The Falkland Islands Government has agreed that tackling it will be a priority in 2002-2003, probably as part of a wider initiative dealing with teenage health that is likely to cover emotional and lifestyle issues as well as sexual health.

The topic of sexual education and health is currently included in compulsory personal and social education classes at school. The topic of contraception is raised, as opportunity occurs, in medical consultations in the government provided medical services. Contraceptives are made available by the medical services free of charge and the uptake of them is very high among the population as a whole, including teenagers.

Gibraltar

In general, Gibraltar enjoys a good standard of reproductive and sexual health. The current General Fertility Rate for the civilian population is calculated to be 72.3, which is higher than in the previous year and one of the highest rates in Europe.

The incidence of teenage births has been rising steadily in recent years. Provisional figures for 2001 suggest that there were 22 births to teenage mothers. The statistics for the past four years, which are as follows, show that the figure has been fairly steady as a proportion of all births:

| Years | 1998 | 1999 | 2000 | 2001 |
|---|------|------|------|------|
| Teenage births | 26 | 22 | 28 | 22* |
| Total births | 426 | 342 | 409 | 362* |
| Teenage births to all births (per 1000 live births) | 61.0 | 64.3 | 68.4 | 60.8 |

* provisional figures only

The mean teenage birth rate for Gibraltar is estimated to be about 26.

Abortions are illegal in Gibraltar and there are no statistics of any that may take place unlawfully.

Measures to address problems of teenage pregnancies and abortions include the provision of health education, ready access to professional advice and the availability of urgent medical attention.

Health education is provided in the schools through required curricula in sex education. The Public Health Department conducts campaigns on sexual awareness through several avenues such as contributions to school curricula and thematic displays and as adjuncts to other campaigns such as the HIV/AIDS campaign. The Department has also recently acquired a range of education leaflets targeted at upper school age children.

Montserrat

In the past four years, the numbers of teenage pregnancies occurring in Montserrat (out of a total number of births of about 50 per year) were as follows:

| | |
|------|--|
| 1998 | 4(all 17 years or older) |
| 1999 | 7(all 16 years and older) |
| 2000 | 6(all 17 years and older) |
| 2001 | 5(one 14 years of age and the others all 17 years and older) |

The authorities are not aware of any abortions taking place in Montserrat in recent years. An active sex and health education programme is carried out in Montserrat schools.

Pitcairn

The last teenage pregnancy in Pitcairn (which was that of a 16-year old) occurred in 1994.

So far as the authorities were aware, no abortions have been carried out on Pitcairn nor have any Pitcairn women undergone terminations of pregnancy in New Zealand (to which they would have been transferred for that purpose if the occasion had arisen).

There is currently no formal education programme on Pitcairn dealing expressly with sexual and reproductive health. However, the social welfare officers do seek to educate the community about correct standards of social/sexual behaviour. Most Pitcairn children go to New Zealand for their secondary education and are there taught this

subject as part of the New Zealand school curriculum. It is also a compulsory subject for correspondence students in year 9 (age 13) and is covered in the Home and Family Units of the New Zealand Correspondence School. In addition, the Education Officer takes all the children through the “Keeping Ourselves Safe” programme which is compiled by the New Zealand Ministry of Education in partnership with the New Zealand police.

St. Helena

In the year 2000, there were six teenage pregnancies in St. Helena out of a total of 54 pregnancies of all ages. In the year 2001, there were four out of a total of 36.

There were three abortions in St. Helena in 2000 and four in 2001.

Sex education classes are conducted regularly in the secondary school by the Community Nurses. Advice on contraception and other sexual health matters is also given regularly in a weekly “Health Watch” radio programme, which is produced and presented by staff of the Public Health and Social Services Department.

Turks and Caicos Islands

Though reliable statistics for past years are not available, the figures for 2001 show that there were some 45 known cases of teenage pregnancies (i.e. of persons aged from 15 to 19 years) in the Turks and Caicos Islands in that year and the incidence of teenage pregnancy is believed to be on the increase. No reliable information is available on the number or scale of abortions performed in the Territory.

The problem of teenage pregnancies is of active concern to a number of the departments and agencies of the Turks and Caicos Islands Government, including (in the Ministry of Health and Education) the Women’s Co-ordinator, the Primary Health Department and the A IDS Co-ordinator. These departments and agencies are engaged in proactive public health education programmes in this area, aimed at the health and behaviour of young people and at AIDS awareness, and they work not only in collaboration with each other and with other Government agencies but also with various civic, religious and other non-governmental bodies. This has resulted in the establishment of two currently ongoing strategies in the particular field of teenage pregnancy. In the “Strategy for Prevention of First Pregnancies”, with a mission to prevent teenage pregnancies by “supporting values and stimulating actions that are consistent with a pregnancy free adolescence”, the Women’s Co-ordinator is focussing both on education programmes that impart knowledge and explore attitudes about teenage development, relationships, personal skills, sexual behaviour, health and culture and also on Contraceptive Access Programmes which offer contraceptive counselling, supplies and follow up care for proper and consistent use. In the “Strategy for Second Pregnancies” the centrepiece is now a two-year Pilot Continuous Education Programme for Teenage Mothers. This seeks, *inter alia*, to eliminate all barriers that impede the schooling of pregnant adolescents and young mothers and to promote counselling and career education programmes, which will encourage girls and young women to prevent or delay second pregnancies. It may be added that, in 2001, the Ministry of Health and Education instituted a special education programme for teenage mothers who might otherwise be excluded from normal secondary education.

Q.22 The Committee would welcome updated information from the State party in relation to the problem of trafficking in persons, and on whether the problem is increasing or decreasing. What is being done to address this problem in law and in practice?

A.22 Levels of trafficking

Forming an accurate estimate of the levels of trafficking in people is problematic due to the clandestine nature of the act and there is no accurate, reliable data in existence within the United Kingdom or the European Union.

- One indication of the scale of the problem is the number of people detected trying to evade border controls. This has risen 80-fold during the 1990's – although this partly reflects the increasing effectiveness of the Immigration Service.
- It is estimated that organised criminals are behind 75% of these cases. It is unknown how many involved, or would have involved, exploitation.
- The Home Office report *Stopping Traffic* (2000) acknowledged the difficulty of getting reliable data on the scale of the problem, but estimated that somewhere between 150 and 1500 women annually are trafficked into the United Kingdom for the purpose of sexual exploitation.
- Further research is in progress on the size and nature of irregular immigrant flows through Europe into the United Kingdom, and on the reasons why people decide to come illegally to the United Kingdom.

In law

- Sections of the Sexual Offences Act 1956, in particular section 30 (man living on the earnings of prostitution) and 31 (woman exercising control over a prostitute) have been used to prosecute people involved in the trafficking in women. Section 3 of the same Act (procurement of a woman by false pretences or false representatives to have sexual intercourse in any part of the world) may also be used.
- In addition, section 25(1) of the Immigration Act 1971, as amended by section 5 of the Asylum and Immigration Appeals Act 1996 provides for the prosecution of anyone knowingly concerned in making or carrying out arrangements, or securing or facilitating illegal entry, or knowingly assisting someone to obtain leave to remain by means which include deception. The maximum penalty for facilitating illegal entry is currently 10 years imprisonment.
- In addition, we have signed the United Nations Protocol on the prevention and suppressing of trafficking, and negotiated a European Union Framework Decision on trafficking for the purposes of sexual and labour exploitation. We are committed to introducing new offences of trafficking for the purposes of sexual and labour exploitation in domestic legislation and will do so when Parliamentary time allows.

In practice

Enforcement

- In March 2000, we set up Project Reflex, a multi-agency taskforce on organised immigration crime – people smuggling and human trafficking. Led by the National Crime Squad (NCS), Reflex brings together all the key agencies involved in combating the problem, including the Immigration Service, the National Crime Intelligence Service, the security and intelligence agencies and key police forces including the Metropolitan, Kent and British Transport Police.
- Since Reflex's inception, the NCS have to date led a number of operations leading to the arrest and prosecution of trafficking facilitators in the United Kingdom and overseas.
- We are also setting up a ground-breaking joint operational unit staffed by the NCS and Immigration Service, which is due to be fully operational in February. The establishment of a dedicated joint unit will provide a significant new capability to respond to organised immigration crime.
- We have contributed to the EU STOP Programme, which was set up by a joint action of the European Council in 1996. This programme provides support to Member State organisations responsible for action against the trade in human beings and the sexual exploitation of children. A European Council decision of 28 June 2001 established a second phase of this programme (STOP II)

Prevention

- We are also supporting the International Labour Organisation (ILO) programme within the Greater Mekong region, which covers parts of Cambodia, China, Laos, Thailand and Vietnam. This involves a number of interlinked interventions to raise awareness and prevent trafficking, and to withdraw women and children from labour exploitation and reintegrate them into their own or new communities (£3 million).
- We are supporting Anti-Slavery International's project in West Africa (Benin, Burkina Faso, Gabon, Ghana, Niger, and Togo) to develop the capacity and commitment of local NGOs to end the trafficking and abuse of child domestic workers. This includes raising awareness of the abuses suffered and remedial action (£70,000).
- We are also supporting the International Organisation for Migration (IOM) programme in the Balkans. A training of trainer packages and materials will be developed and targeted at all relevant actors, including international and national police, social workers and the legal profession. The programme will provide valuable resources to those working on this issue, as well as lessons to be learned in order to pursue similar work, on other regions (£360,000).

Victims

- We are considering what kind of support and advice can be provided to the victims of trafficking and also how we might improve the way in which victims are identified and dealt with by the police and Immigration Service. We are looking at the possibility of developing a toolkit on victims of trafficking, which would be a guide for immigration officers, police and others potentially dealing with trafficking

victims to raise their awareness of the difference between trafficking and smuggling, and to help them treat trafficking victims fairly.

Q.23 In a government report “*Living without fear*”, the State party indicated that one in four women experienced domestic violence in some stage in life. It has also been reported elsewhere that in Northern Ireland, a marked increase in violence against women occurred since the paramilitary cease-fires. Please comment on these reports and indicate what measures the respective responsible authorities are taking in order to address these problems.

A.23 The issue of domestic violence, and the measures and policies to deal with it, are set out at length in the report on the constituent parts of the United Kingdom. Following on the information in that report:

England and Wales

Campaigns against domestic violence

It is not easy to quantify the effectiveness of campaigns to raise public awareness about, or to encourage a co-ordinated multi-agency response to, domestic violence. The latest crime statistics show a 4% increase in recorded violent crime. Though the statistics do not record the relationship between victim and attacker, domestic violence (the main form of violence against women) is estimated to amount to over a quarter of violent crime. There are indications that domestic violence is being more readily reported, and this may be the result of the campaigns.

In 2000, an evaluation of the use and effectiveness of the Protection from Harassment Act showed that 79% of reported victims were women. In 41% of cases, the perpetrators were intimates of the victim. The research concluded that there was a need for:

- further clarification and training in the use of the Act for practitioners;
- clarification for the police on what constitutes ‘a course of harassment’, what proof is required and how best to proceed with a case;
- more publicity for victims on remedies in the Act;
- greater support for victims before and during the trial; and
- examination of the use of restraining orders.

The Government has accepted the findings.

Shelter and counselling

Shelter and counselling for victims of domestic violence and their families are most frequently provided by the women’s voluntary sector supported by funding from local authorities. Voluntary sector refuges typically provide counselling, advocacy, children’s services and outreach services.

A 'Needs Mapping' research programme has been conducted by the Department of Transport, Local Government and the Regions (DTLR), and the Women's Aid Federation of England (WAFE) in an attempt to establish the adequacy of refuge provision but the results of the research are yet to be published.

Local authority funding of refuges through Housing Benefit and other local funding schemes will be replaced in April 2003 by the DTLR's 'Supporting People' initiative. This aims to provide an integrated policy and funding framework for services to vulnerable households, including those experiencing domestic violence. Policy and provision are based on the 'Needs Mapping' exercise.

Northern Ireland

Domestic violence is recognised as a serious problem in Northern Ireland. A regional domestic forum was established, with representations from voluntary organisations, statutory bodies, the police, Magistrates and Government Departments. The forum has promoted a more co-ordinated approach to this issue and has developed several initiatives to tackle the various problems. There is a range of services available to victims of domestic violence in Northern Ireland including sheltered accommodation and counselling.

The first paramilitary cease-fires in Northern Ireland were declared in 1994 and at that time the statistics for domestic violence incidents in Northern Ireland were not very reliable. Prior to 1997 the police did not have a specific system for recording domestic violence incidents. At that time these incidents were recorded under a variety of crimes from criminal damage to assault.

In 1997 however, the then Royal Ulster Constabulary (RUC) introduced Domestic Violence Officers (DVO) into each of its 38 sub divisions and during this year the DVOs introduced a series of forms to collect more accurately information in relation to domestic violence incidents. Following the introduction of this new recording system, there was an increase in the numbers of domestic violence incidents recorded. It is now considered that the figures from 1998 more accurately reflect the actual situation in relation to domestic violence incidents in Northern Ireland, though we believe that in common with other parts of the world there is a significant degree of under reporting. In 2000, there were 14,325 domestic incidents reported of which almost half involved violence.

There is however no evidence available to suggest that the situation in Northern Ireland is any worse with regards to violence than any other area in Great Britain. Indeed comparisons between the 1998 Northern Ireland Crime Survey and the British Crime Survey indicate that the victimisation rate for women in England and Wales (3.6%) is 50% higher than in Northern Ireland. (2.4%)

In relation to measures being taken to combat domestic violence in Northern Ireland we are currently taking forward work to draw up a strategy to tackle violence against women. This will be a comprehensive strategy covering all parts of Government, both devolved and non-devolved. We aim to have this strategy in place by December 2002.

The Family Homes and Domestic Violence (NI) Order 1998, is seen as a very progressive piece of legislation. It deals with civil law remedies for domestic violence.

In particular, it provides that, where there is a history of domestic violence, courts must take that into account in dealing with child contact issues.

In the recent case of *Re: DJ and D* (freeing order), Mr Justice Gillen (25 September 2001) made it clear that domestic violence is also relevant in the decision to free children for adoption.

Scotland

The Scottish Executive is providing a total sum of £18,318,000 over three years from April 2001 for this work, including £10 million for refuge accommodation. The Executive expects that by 2004 any woman who needs a place in a refuge will be able to get one.

A domestic abuse helpline has also been set up in Scotland staffed by experienced women's aid workers. It offers access to services for women and children by providing one central freephone number, which allows them to get relevant local information, for example about housing, legal matters or benefits, as well as an opportunity to speak in confidence about what has been happening to them. Calls to the helpline are not recorded on telephone bills. Calls average about 400-450 per week.

The Scottish partnership on Domestic Abuse is fully reported in the main report.

Q.24 Please provide information on the implementation of the Protection of Children Act, which was passed in July 1999, in particular with regard to child abuse and commercial sexual exploitation.

A.24 The Department of Health maintains a list under the Protection of Children Act (POCA) of persons considered to be unsuitable to work with children. The Department for Education and Skills (DfES) maintains a separate list of persons, List 99, barred from working in educational establishments. The Protection of Children Act 1999 requires all regulated childcare organisations (including children's homes) to check against these lists everyone they intend to employ in work that brings them into contact with children.

When the Criminal Records Bureau becomes operational from 1 April 2002, all POCA checks will be made through the Bureau. The check will be part of the new one-stop check, which will include a criminal record check, a check against the Protection of Children Act list and a check against the DfES List 99. The Department will then close the Protection of Children Act List system and end its paper based checking system.

Northern Ireland

The Protection of Children Act 1999 does not apply in Northern Ireland. However, the Department of Health, Social Services and Public Safety has issued a consultation document for a Protection of Children and Vulnerable Adults Bill. It is intended that a Bill will be introduced in the Northern Ireland Assembly during 2002. If enacted, this would provide broadly similar arrangements to those under the 1999 Act.

Scotland

The Protection of Children (Scotland) Bill, which we anticipate will mirror many of the provisions contained in the Protection of Children 1999 Act, is due to be introduced in the Scottish Parliament later in 2002.

Wales

The National Assembly for Wales has commissioned a study of reports received from Area Child Protection Committees on cases where a child has died and where abuse or neglect are known or suspected to be a factor.

The objectives of the research are to:

- identify recurring themes in the reports including any that have not been adequately addressed since the previous review;
- consider the action plans arising from reports and assess the relative effectiveness of proposed actions;
- highlight any actions which should be taken to address issues raised by the reports; and
- highlight examples of good practice that might be disseminated to agencies across Wales.

The report is expected to be available in March 2002.

The National Assembly has also commissioned research into patterns of child protection registrations in Wales. The research report should be available in mid 2002.

Article 11: Right to an adequate standard of living

Q.25 Please explain why the State party does not have an official definition of poverty for its own territory. Please provide information on the number of people living in poverty, broken down by gender, region, race and ethnic group. Please confirm whether or not the gap between the 10% richest and 10% poorest of the population is widening.

A.25 The United Kingdom Government believes that, reflecting the multidimensional nature of poverty, it is more informative to have regard to a broad suite of indicators of poverty rather than place over-reliance on a single “official definition”.

Poverty and social exclusion are complex issues affecting many areas of people’s lives – including lack of opportunities to work, to learn and to live a health and fulfilling life, as well as incomes. The Government’s approach more realistically captures this complexity.

The annual *Opportunity for all* reports therefore include a range of indicators, against which the Government is prepared to be judged, to monitor progress in dealing with the problems of poverty. The indicators, like the strategy, establish groupings according to stages of the lifecycle (children and young people, working age adults, older people) and deprived groups and communities.

The indicators monitor those aspects of poverty and social exclusion that affect current living standards (for example, low income, health, quality of housing) and indicators that monitor outcomes that are likely to impact on future life chances (for example, teenage pregnancy, education, contributions to pensions).

As well as monitoring progress for outcomes at different stages in the lifecycle and for deprived communities, many indicators monitor progress for specific sub-groups. For instance, some indicators are defined to be specific to particular groups. For example:

- educational attainment for 11, 16 and 19 year olds;
- mortality rates for children under one year;
- teenage pregnancy;
- employment rates for the over 50's; and
- use of illegal drugs by 16 to 24 year olds.

Other indicators compare the outcomes for specific groups with the average. For example:

- employment rates are monitored for men and women, people with disabilities, lone parents, ethnic minorities, older workers, and for the most deprived areas.

In addition to the indicators in *Opportunities for all*, information on income distribution statistics is reported annually in *Households Below Average Income*. This includes detailed breakdowns by age, gender, ethnic group and region. Also, *Race Equality in Public Services* published annually by the United Kingdom Home Office reports in detail on key indicators for ethnic communities.

The United Kingdom Government's third annual *Opportunities for all report: making progress* – published on 19 September 2001 – shows that its approach is working with more people in work and more help for those who cannot work or who have retired. Of the 50 indicators, 28 show real improvement over the past few years, none are moving in the wrong direction.

It is important to remember however, that, indicators reported on in *Opportunity for all* may not apply across all of the territory of the United Kingdom. This is in recognition of the fact that many of the key policy areas concerned with poverty and exclusion have been devolved to the administrations set up in Scotland, Wales and Northern Ireland. This response, however, mostly concentrates – for the sake of simplicity – on policies and programmes directly attributable to the United Kingdom Government itself

The Committee asks for particulars regarding movements in income inequalities between the top and bottom 10% of the income distribution.

Annex III below reproduces from the twelfth edition of *Households Below Average Income (HBAI) 1994/5 – 1999/00* a table showing shares in the total income received by individuals below and above those thresholds. However, it is important to note that HBAI recommends that these statistics – particularly regarding the bottom 10% - should be treated with caution because they are sensitive to data of uncertain reliability. The Government believes, therefore, that it would not be appropriate to seek to draw any firm conclusions from the data reproduced at Annex III.

There are, of course, a number of different ways to measure inequality. Given the number of measures, definitions of incomes and data sources, the Government believes that, while there has been a slight increase in inequality from the mid-1990s, there is no clear trend regarding change in inequality of disposable income generally since 1997.

Q.26 Please explain why the State party has not adopted a national anti-poverty strategy with goals and targets, which is structured and allows for participation of the poor, to provide coherence to its existing policies on poverty and ‘social exclusion’. Please also explain why the State party has not linked its efforts in this respect to the outcome of the Copenhagen Social Summit 1995 and the Social Summit Review 2000.

A.26 As indicated in the answer to the previous question, the United Kingdom Government has an anti-poverty strategy. It is set out in annual *Opportunity for all* reports. These, amongst other things, report on progress against the range of targets set by the Government to drive forward the fight against exclusion. The goals pursued by the policy are:

- preventing social exclusion happening in the first place – by reducing the numbers who go through experiences that put them at risk or targeting action to compensate for the impact of these experiences;
- reintegrating those who become excluded back into society, by providing clear ways back for those who have, for example, lost their job or their housing, and missed out on formal education.

These goals are pursued by a strategy based on the principles of:

- structuring policy interventions around a lifecycle approach, where necessary to meet individual need;
- tackling failing communities and the needs of other excluded groups of people;
- mobilising all relevant actors in a joint multi-agency response;
- tackling unfair discrimination in all its forms, wherever it occurs; and,
- ensuring all policy formulation is evidence based.

The success of this strategy is measured against indicators included in the annual *Opportunity for all* reports and Public Service Agreement targets that set timed milestones for achievement by Government departments. The success will depend crucially on the contributions of local authorities, the voluntary sector, social partners and individuals working in their own communities. The United Kingdom Government recognises the importance of consultation and participation by involving NGOs, who represent the views of poorer people and their communities. As such, specific structures have been developed to meet the needs of each particular situation.

The Government does not believe that a “one cap fits all” approach is the most helpful one within the United Kingdom context of tackling poverty and social exclusion. The complex, multidimensional nature of the problems of poverty and exclusion requires a similarly multi-faceted approach to participation and consultation.

For example, in England, the National Strategy Neighbourhood Renewal consultation exercise drew heavily on the views of those directly affected by poverty.

For young people, the Government is providing more opportunities for children and young people to get involved in the planning, delivery and evaluation of policies and services relevant to them – for instance through the Children and Young People’s Unit. In addition, the Sure Start initiative includes parents in the planning and delivery of the programme itself.

The Government is also taking a series of actions across the range of policy areas that are important to older people. These include: tackling age discrimination, improving access to transport, better health and social care, and cutting crime. The Government is taking action in a number of areas to ensure that the views of older people, and their representatives, are taken into account in developing policy. For example, the Partnerships against Poverty Group was established in March 2001 as a working group with local government associations and voluntary organisations to develop joint working to improve the take up of the Minimum Income Guarantee (a Social Security cash benefit paid to the poorest pensioners).

Other structures have been developed to meet the needs of particular geographical areas. For example, in Scotland, the Scottish Social Inclusion Network supports the Scottish Executive to develop social justice policies and help agencies co-ordinate delivery, within the whole range of business devolved to the Executive.

Within the European Union, all Member States submit National Action Plans on combating social exclusion to the EU Commission every two years. The Government wishes to see further participation in preparing the next National Action Plan, which is due in 2003, by broadening the involvement of local government, voluntary organisations and others.

Q.27 Please provide more detailed information on the results so far achieved by the various schemes introduced to tackle the problem of fuel poverty in England, Wales, Northern Ireland and Scotland.

A.27 The goal of the Government and Devolved Administrations is to seek an end to the problem of fuel poverty. It is tackled on a devolved basis with each country setting objectives and targets for the eradication of fuel poverty. In turn, each country has devised its own schemes to achieve the targets, which take into consideration the incidence and prevalence of the problem within the country.

In addition to the individual schemes that are operating in countries, there are a number of common policies operating throughout the United Kingdom or Great Britain in terms of energy efficiency measures, energy market measures and social inclusion measures. These are outlined in detail in Chapter 3 and Annexes of the United Kingdom Fuel Poverty Strategy. This can be viewed at <http://www.dti.gov.uk/energy/fuelpoverty/index.htm>.

At present, there are differences between the Government and Devolved Administrations as to the actual definition of fuel poverty, but it is the intention to move towards a United Kingdom wide definition.

Information on the schemes currently operating in the various countries of the United Kingdom, including results so far achieved by the various schemes, are outlined below.

England

The interim target for England is that by the year 2004, 800,000 vulnerable households will be assisted through the Home Energy Efficiency Scheme (HEES), marketed as the Warm Front Team (WFT), and the number of non-decent social sector properties will be reduced by one third.

HEES/WFT is designed to tackle fuel poverty amongst those most vulnerable to cold related ill health – older householders, families with children and the disabled or those with long term illness. The scheme provides grants for packages of insulation and heating improvements, including central heating systems. Access to the scheme is through receipt of a qualifying income or disability related benefit. HEES/WFT has already assisted over 250,000 households.

Northern Ireland

The interim target for Northern Ireland is to have assisted at least 40,000 households in fuel poverty by 2006, mainly through the new Warm Houses Scheme.

The Warm Houses Scheme itself aims to lift at least 20,000 households out of fuel poverty by the end of 2004. Targets for the first two years are 4,500 in 2001/2002 and 6,250 in 2002/2003. Results to date show that 5,485 applications have been received, 4,104 surveys have been carried out, 2,305 work orders issued and 1,535 jobs completed, with £2.78 million having been committed.

Scotland

The Scottish Executive has set an interim target of ensuring that, by 2006, all pensioner households and tenants in the social rented sector live in a central heated and well insulated home.

To achieve this, the Executive's Central Heating Programme, the Warm Deal, the New Housing Partnerships Programme, with substantial investment in social rented housing, continue to play a central part in meeting the interim target.

The number of fuel poor households in Scotland is likely to have fallen, perhaps substantially, since the 1996 Scottish Housing Condition Survey was undertaken. The reasons include (a) about 150,000 low-income homes have been insulated under programmes such as the Warm Deal; (b) disposable income has been increased through the benefit system by such means as the minimum income guarantee; and there is also the Winter Fuel payment. Employment opportunities have been increased by a buoyant economy and incomes for the low-paid increased by the national minimum wage and the Working Family Tax Credit. Further competition has generally continued to exert a downward pressure on fuel prices and some of the power companies are beginning to explore the market in low-cost packages for low-income households.

The effect of each of the developments described above cannot be identified separately, and the combined effect on the total number of fuel poor households in Scotland will not be known until after the 2002 Scottish House Condition Survey. Progress in tackling fuel poverty through the programmes described above will be monitored between house condition surveys and will take into account income levels and fuel price movements.

Wales

In 2001-02, the Wales Assembly has made £9.6 million available for the Home Energy Efficiency Scheme in Wales. This funding has ensured that the Assembly is well on its way to meeting its 'Plan for Wales' target of assisting 38,000 households in Wales out of fuel poverty by March 2004 and will meet its 'in year' target of assisting 14,000 households under HEES by March 2002.

For 2002-03, the Assembly has increased the level of funding for HEES to £10.9 million and has also sought agreement with the public utilities working in Wales to integrate funding they have available for energy efficiency measures with the HEES budget.

Q.28 According to paragraph 11.63 of the State party's report, there is no legislation, which directly relates to housing affordability, so that an increasing number of rents are now set at market levels. Please explain in more detail how the macro-economic measures alone – as referred to in paragraph 11.63 – that will control the mortgage market, will have benefits for those groups of society that are having difficulties coping with the high rental prices.

A.28 The United Kingdom private housing market operates largely under free-market conditions, subject to regulations on issues such as health and safety and planning controls on new housing developments. As such, there is no legislation controlling the level of private sector rents for those whose tenancies started after 1988.

People with particular housing needs may be eligible for a home in the social rented sector where rents are controlled. Over a ten-year period from April 2002, the structure of social rents is being reformed on the basis of a national formula based on relative property values, local earnings and property size. Social rents will remain affordable, generally well below market levels.

In addition, people on low incomes who rent, whether socially or privately, may be eligible for Housing Benefit. This is a monetary benefit paid to those whose housing costs would otherwise leave them with an insufficient level of disposable income to afford an adequate standard of living.

Q.29 Please explain the difference in the State party's views between homelessness and so called 'rough sleeping', how the two social problems relate to each other and what the differences in policies and initiatives are to combat them. In addition, please provide information on the results so far of the December 1999 initiative, *Coming in from the Cold*, that set out an integrated approach to addressing key problems concerning 'rough sleeping'.

A.29 Definitions

Homelessness covers a broad range of people who do not have a permanent home and includes those in temporary housing including Bed and Breakfast accommodation, as well as those who are 'roofless'.

Local authorities have duties to house certain groups of homeless people, namely those who:

- have dependent children;
- are pregnant or are vulnerable due to old age, mental illness or handicap, physical disability or other groups such as 16 and 17 year olds and those threatened with homelessness as a result of fire, flood or other emergency.

Rough sleeping is at the sharp end of homelessness and describes individuals who are 'roofless' and sleep out on the streets.

More than 113,000 households were accepted by local authorities in England as unintentionally homeless and in priority need during the 12 months prior to April 2001. 31% faced homelessness because relatives or friends were unable or unwilling to continue to accommodate them; 23% were homeless as the result of a relationship breakdown; a further 23% were homeless due to the loss of rented or tied housing, with 6% homeless due to mortgage or rent arrears and 17% due to other reasons.

In extreme cases people may end up rough sleeping. Many rough sleepers have chaotic lifestyles due to their substance misuse and mental health issues. The Government's Rough Sleepers Unit (RSU) has worked with voluntary organisations and other government departments to find individual solutions for rough sleepers to help them come inside and rebuild their lives in a move to independent living. A key element of *Coming in from the Cold* has been to prevent rough sleeping and stop vulnerable people ending up on the street in the first place.

Policy initiatives to tackle rough sleeping

The Prime Minister was particularly concerned about the numbers of rough sleepers and it was one of the first subjects he asked the Social Exclusion Unit (SEU) to look into in 1998. Prior to this, rough sleeping had been dealt with as part of homelessness policy.

As a result of SEU's recommendations, the Rough Sleepers Unit (RSU) was established in April 1999 and tasked by the Prime Minister to reduce the numbers of rough sleepers in London to as near zero as possible and by at least two thirds by 2002. From September 1999, the Unit took on responsibility for reducing rough sleeping across the whole of England, as it had become clear that there would be significant advantages in taking a national approach to the problem.

The RSU published its strategy in December 1999, which recognised that rough sleeping is a complex problem and ending rough sleeping is about more than providing accommodation. The strategy outlined a raft of new policies and services to deliver the target which are now all in place across England. These services include:

- helping people sleeping rough on the streets to tackle drug, alcohol and mental health problems;
- helping former rough sleepers to rebuild their lives through support in their tenancies and facilitating routes into education, training and employment; and
- preventing a new generation of rough sleepers, particularly vulnerable young people and those leaving care, the Armed Forces or prison.

Key achievements have been:

- new Contact and Assessment Teams (CATs) in central London and other major cities. These are multi-disciplinary teams who are responsible for making contact with rough sleepers in discrete geographical areas and giving them the help needed to come inside;
- over 800 new hostel beds have been created. There are now over 3000 permanent homes available to former rough sleepers as well as a shelter programme to provide a more flexible response to people on the street;
- a Safestop in central London for young people and a night centre for older entrenched rough sleepers have been opened;
- extra services, costing in excess of £1 million have been set up to combat drug misuse in London, and £800,000 in the seven areas outside London with significant numbers of drug addicted rough sleepers;
- new Tenancy Sustainment Teams in central London and other major cities to help former rough sleepers move into independent living with work, education or training opportunities;
- funding of nearly £4 million for projects around the country are helping to provide a better future for yesterday's rough sleepers. These include innovative schemes such as furniture restoration, social businesses, gardening, catering, driving, self-build, befriending and volunteering, Information Technology and life skills;
- preventative schemes helping those leaving care, vulnerable service personnel leaving the Armed Forces and those at risk of rough sleeping when released from prison have been set up around England to stop people ending up on the street; and
- Change a Life was launched in November 2000 and is a Government drive to urge the public to help people who are homeless in the most effective way by giving their time, gifts in kind or money.

On 3 December 2001 the Prime Minister announced that his target had been met and there are now less than 550 people sleeping rough in England compared to around 2,000 in June 1998. This represents a 71% reduction.

Policy initiatives to tackle homelessness

The Government's success in tackling rough sleeping has been due to a strategic direction that addressed the underlying causes of rough sleeping and its prevention, and the partnerships and hard work of central and local government and also the voluntary and private sectors.

Work to tackle homelessness has continued to be dealt with by the Department for Transport, Local Government and the Regions (DTLR) and has progressed in parallel and in partnership with the RSU. Policy to tackle this area has been predominantly around changing legislation and local authorities' duties to those who find themselves homeless.

The Homelessness Bill, currently going through Parliament will strengthen the safety net for homeless households and place a new duty on local authorities to take a strategic approach to tackling all forms of homelessness, mainly by:

- ensuring that people who are homeless through no fault of their own and have a priority need for accommodation must be given suitable accommodation in the short term, until they can obtain a settled home;
- giving housing authorities the freedom to use their own properties as short term accommodation for homeless people for as long as necessary;
- giving housing authorities more flexibility to provide accommodation for people who have become homeless through no fault of their own but do not have priority need (for example, those without dependent children);
- requiring all housing authorities to conduct a review of homelessness in their area, and adopt a strategy for preventing and dealing with homelessness, on a five yearly basis;
- encouraging housing authorities to provide more choice for people applying for social housing and giving everyone (except certain persons from abroad) the right to be considered for local authority housing unless their behaviour makes them unsuitable to be a tenant.

To assist local authorities in drawing up their strategies, DTLR have commissioned research to inform good practice guidance on how to develop effective strategies. One of the key themes is likely to be effective partnership working, including examples of where good practice exists. DTLR aim to publish this good practice guidance later this year.

DTLR also intends to extend the groups of vulnerable homeless people who have a priority need for accommodation by an Order under existing powers in the Housing Act. DTLR issued a formal consultation regarding the extension of the priority needs categories in June 2001. Revised legislation will mean that the local authorities will treat new groups of homeless people as being in 'priority need' for housing assistance. These include 16 and 17 year olds and those who are vulnerable because they are fleeing harassment or domestic violence or because they have an institutionalised background e.g. having been in care, prison or the Armed Forces.

In response to the growing number of homeless households in bed and breakfast hotels, the Government established a new Bed and Breakfast Unit. Working with local authorities and other stakeholders, the Unit is reviewing both central and local policy and practice in order to reduce the use of bed and breakfast hotels. The Unit has already held a national conference to discuss targets, which will be announced in the New Year. Lord Falconer has also announced that the new Action Advice Teams will be available to support local authorities in tackling bed and breakfast hotel use.

Future policy direction

The Minister for Housing, Planning and Regeneration, announced on 3 December 2001, that following the success in helping rough sleepers, the Government will now be taking a new approach to tackling wider homelessness, and setting up a new Homelessness Directorate.

The Directorate will bring together and invigorate existing work to help homeless people and rough sleepers, including the areas of work already mentioned; and will also develop new work to help prevent homelessness and investigate its underlying causes. The new Directorate will come into effect shortly and will work under a new strategic framework that will form the basis of future homelessness policy.

Northern Ireland

In Northern Ireland, the Housing (NI) Order 1988 places a duty on the Northern Ireland Housing Executive (NIHE) to ensure that accommodation is available for persons who are unintentionally homeless and in priority need. The Executive will, in the first instance, provide temporary accommodation for homeless applicants who meet the statutory criteria and the Executive's Housing Selection Scheme provides for such applicants to be awarded sufficient points to ensure that they have priority for permanent re-housing.

Neither the Housing (NI) Order 1988 nor the Housing Selection Scheme make any distinction between rough sleepers and other applicants who meet the statutory criteria for homelessness. This reflects the statutory position in Great Britain.

While rough sleeping can be seen simply as homelessness in its most extreme form, it is also a serious social problem in its own right and the Housing Executive, in partnership with the Lee Hestia voluntary housing organisation, has recently been focussing on this issue. Unlike many parts of Great Britain, there is little visible evidence of rough sleeping in Northern Ireland and the Executive's first priority is to quantify the problem. Research is currently being finalised with Lee Hestia, which should help to identify the nature and scale of rough sleeping in the Belfast area.

Preliminary data indicates that, in 2000/01, fewer than 100 persons were identified as sleeping rough in Belfast and there was an apparent decrease in the level of rough sleeping by 50% on the previous year.

The research also suggests that some people habitually sleep rough because they are unable to access existing hostel provision due to behavioural problems. In an attempt to address this aspect of the problem, 'wet' (i.e. alcohol-tolerant) hostel facilities have been made available. The Housing Executive is currently carrying out a major review of its homelessness strategy and services and it is likely that, as a result of the review, the Executive will commission research into the nature and scale of rough sleeping throughout Northern Ireland.

Wales

The National Assembly for Wales (NAW) has committed itself to tackling homelessness through objectives and targets set out in its strategy 'Better Wales'. In 2001, the NAW commissioned a group, the Homelessness Commission, to advise it on how to meet its objectives on homelessness. The National Assembly is now considering the report of the Commission and will produce its response by April 2002.

The Commission's report recommends that the National Assembly promotes definitions for homelessness and rough sleeping, which are set out in the report. The definition for homelessness is "Any person who lacks accommodation or where the tenure is not secure." The definition for rough sleeping is "People sleeping rough, or bedded down, in the open air, and people in buildings or other places not designed for habitation."

The *Coming in from the Cold* strategy did not apply to Wales. The National Assembly will be adopting its own strategic approach to reduce rough sleeping as part of a national strategy on homelessness which is being developed and on which it will be consulting later this year. It has already increased its funding of projects to tackle rough sleeping and other forms of homelessness by over 600% in the last three years. Its future priorities will be identified in the national homelessness strategy and the local homelessness strategies, which will be a requirement of local authorities when the Homelessness Act comes into force.

Q.30 What is the housing situation of minorities in the States of Jersey, in particular the Portuguese minority and the itinerant workforce?

A.30 For many years the Island has faced a housing shortage in the sense that there is unsatisfied demand.

As part of the Island's defences against excessive immigration, which would exacerbate the housing shortage, the Housing Law and Regulations have been adopted. These determine whether persons are eligible to lease or purchase the vast majority of individual dwellings which make up the Island's housing stock. About 13% of the Island's population comprises persons who do not qualify under the Housing Law and these persons reside in lodgings, staff accommodation or some of the few properties completely free of legal restrictions on occupation. The standards of accommodation available to this sector vary and minimum standards are maintained by controls administered by the Health and Social Services Committee, Planning and Environment Committee and Housing Committee.

The itinerant workforce, estimated at about 4000, almost exclusively comprises persons without residential qualifications and they take up accommodation as described above. There is a shortage of suitable accommodation for the non-qualified (as there is also for the qualified) and the cost is high. The Portuguese community is well established in the Island. Of the non-qualified resident population, 23% are Portuguese. 72% of all Portuguese/Madeira born are non-qualified.

The greatest difficulty is faced by those non-qualified persons with children as there is a dearth of family size dwellings in this sector. Various agencies have responsibility for advising and/or assisting those unable to find suitable accommodation and despite the difficulties there are very few homeless individuals and families in the island. The housing situation for non-qualified Portuguese

is neither better nor worse than for all other non-qualified persons.

It should be further noted that the Island's Housing law and policies are currently being reviewed, which will naturally take in all human rights obligations.

Article 12: Right to physical and mental health

Q.31 Please provide more detailed information on what percentage of the population avails of private health services, instead of the NHS (para. 12.10 of the report). Please also inform the Committee in which manner the State party monitors the quality of private health services.

A.31 Percentage of the population availing itself of private health services, instead of the NHS*

| Proportion | 1990/91 | 1991/92 | 1992/93 | 1993/94 | 1994/95 |
|--|---------|---------|---------|---------|---------|
| Private dental care | 9.0 | 8.5 | 1.1 | 11.6 | 12.7 |
| Private eye care | 8.6 | 8.4 | 10.5 | 10.0 | 10.7 |
| Private physiotherapy, chiropody or health visitor | 4.0 | 4.2 | 4.9 | 5.2 | 5.0 |
| Private inpatient stay | 1.0 | 0.9 | 0.8 | 0.9 | 0.9 |
| Any private health service use | 18.4 | 17.5 | 20.9 | 21.3 | 22.4 |
| Base (weighted) | 9911 | 9458 | 9021 | 9054 | 8816 |

* *C. Propper Journal of Health Economics 19 2000 855-876 859*

The table shows the patterns in private demand for the different services for each of the five years of the survey. Approximately 16% of individuals in the British Household Panel Survey sample use private dental, eye, hospital or outpatient services. The table indicates a general rise in private service usage across the five years of the survey, with only private inpatient use showing no growth.

Monitoring of the quality of private health services

The British Government has introduced a new regulatory system for independent health and social care providers, which comes into force on 1 April this year (2002) under the Care Standards Act 2000, replacing the previous legislation, the Registered Home Act 1984. In England, the system is administered by the National Care Standards Commission, an independent body, within which a Director of Private and Voluntary Health Care is responsible for the regulation of the private health sector. In Wales, the

regulatory body will be the Care Standards Inspectorate for Wales, a new arm of the National Assembly. For the first time, national minimum standards for the independent health sector have been developed to reflect those obtaining in the NHS, and these include the requirement that owners and managers of private services take responsibility for the quality of treatment they provide. The standards and regulations have been widely welcomed by the sector.

Before work on the new regulations and standards for the Act was begun, the Department convened an External Consultation Group of stakeholders to contribute to the drafting process. Other stakeholders in particular specialities were also consulted as and when required, and the proposals were published for a three-month consultation period last summer. The regulations and standards were then revised in the light of responses. The standards and regulations have been widely welcomed by the sector.

There were many shortcomings with the previous system that have been resolved with the introduction of the new scheme, for example:

- Individual health authorities were responsible not only for registering and inspecting private providers, but for commissioning them to provide healthcare for NHS patients as well, creating a conflict of interest.

The new system is administered by independent, non-Governmental bodies, which will be responsible solely for registering and inspecting health and social care provision, not for commissioning it.

- With 105 different health authorities working individually, the system lacked consistency in application.

All providers are now required to meet core National Minimum Standards as well as those specific to the services they provide. The standards were set, and will continue to be set, by Health Ministers and the National Assembly, thus ensuring continued compatibility with requirements in the NHS framework.

- The emphasis in registering and inspecting providers was on facilities rather than clinical care, which was not addressed.

The new system is focussed firmly on the quality of the health care provided, and the onus is on providers to prove that they are complying with regulations and meeting the national minimum standards.

- Previously the onus was on the health authorities to prove that a provider had failed to comply with requirements.

Now the onus is on providers to prove that they comply with the requirements.

- Under the previous regulatory system, hospital managers maintained that they could not take responsibility for or intervene in matters of clinical treatment provided under private arrangements between doctors and patients.

There is no good reason why people who chose to purchase private medical treatment should not be afforded the consumer protection and assurance of quality that are taken for granted in any other transaction. Providers must now take responsibility for the quality of care and treatment provided in their establishments, and must have in place a formal complaints system.

- The previous legislation had not kept pace with developments and innovations in health care since 1984.

The Care Standards Act has the scope to enable Ministers to bring further services into regulation at any time in the future if they wish.

Commission for Health Improvement

In addition to the new regulatory system described above, the British Government are in the process of enabling the Commission for Health Improvement to be given power to inspect or review the quality of services provided by any non NHS organisation to NHS patients in England and Wales. The Commission will work closely with the National Care Standards Commission and the Care Standards Inspectorate for Wales in carrying out any reviews in the independent health or social care sectors and will report its findings to the Welsh Assembly Government and the Department of Health.

Q.32 There are reports of bad prison conditions in the United Kingdom, stating high suicide rates, bad sanitary conditions, lack of useful work or educational activities and overcrowding. Please provide information on these concerns.

A.32 United Kingdom

As regards physical health:-

Bad sanitary conditions

The concerns about bad sanitary conditions in the prison service are difficult to understand, as the main problem in the past was the existence of what we termed “slopping out”. This officially ended in April 1996 and as from this date, all prisoners in normal accommodation have had 24-hour access to sanitation. This has been achieved in one of four ways:

- integral sanitation – a toilet and washbasin are installed in a cell or in a separate annexe;
- open access – prisoners kept in open conditions are able to leave their rooms in order to use central facilities;
- electronic unlocking – cell doors are opened electronically to allow prisoners to access toilet facilities; and,
- manual unlocking – staff are deployed to unlock prisoners to allow them to use toilet facilities.

The Prison Service has also recently introduced a new cell standard, which sets minimum requirements for the level of in-cell privacy in the use of WC in shared cells. A programme of work has recently started that will ensure this minimum standard is provided in all shared cells through the installation of privacy screening where required.

Overcrowding

The average prisoner population rose from 44,600 in 1992-93 to 64,500 in 2000-01. This is an increase of 45%.

All cells used for confinement of prisoners are certified (by the Area Managers) that their size, condition, etc are adequate for health (as required by the Prison Act 1952). The certificate also states the maximum number of prisoners that can be held in each cell (as required by the Prison Rules).

In October 2001, the Management Board approved a new accommodation (cell) standard, which sets minimum requirements (in terms of space, privacy, and environmental conditions). Her Majesty's Chief Inspector of Prisons has been directly involved in the development of this standard.

Overcrowding is not evenly dispersed across the prison estate; it is particularly concentrated in local prisons, which are those establishments that serve courts of a specific area. Since November 1996, more than 9,800 additional prison places have been opened.

As regards mental health:-

High suicide rates

The Government has been working very hard in introducing new strategies, and ensuring that existing procedures are carried out proficiently. The number of self-inflicted deaths has fallen for the second year running. There were nine fewer self-inflicted deaths in 2001 than the year before, a reduction of 11% following an 11% fall in 2000. The total for 2001 was 72. Suicide prevention continues to be a top priority for the Prison Service with a particular focus to be placed on prisoners under 21.

In February 2001, the Home Secretary announced a new pro-active three-year strategy to reduce prisoner suicide, self-harm and deaths in custody.

There is now a strong stress on preventative action and investing most resources where the risks are highest. An all-round proactive approach is being developed which encourages a supportive culture in prisons based on good relations between prisoners and staff, a constructive regime and a physical safe environment. Improved identification and case arrangements are also being developed for high-risk prisoners.

The three-year strategy involves a major investment of capital and staff in prisons. In the first year alone, £8 million has been invested in implementation. Improvements are being made to reception and induction areas and new healthcare screening procedures are being introduced in ten pilot prisons. Full-time suicide prevention co-ordinators have been appointed in high-risk local prisons.

Lack of useful work

The Prison Service has a valuable role in the purposeful occupation of prisoners while serving their sentences, which also serves the purpose of preparing them for available job opportunities on release. This involves giving them relevant skills, training and experience, and the basic attitude needed to hold down a job on release.

19,000 prisoners on average were employed in prisons in 2000-01, including industrial workshops, prison, kitchen, farms and gardens, and on maintenance and cleaning in the establishment. Included in this number, 10,430 prisoners on average were employed in industrial workshops in 2000-01. Figures relate to “workplace occupied” and the numbers of prisoners employed will be higher because of part-time and shift working.

The Prison Service has recognised the need to make better use of workplaces in establishments. Its “Purposeful Activity Expansion Scheme” has been working with a number of establishments and has identified some key issues and ways of tackling them, which will inform the development of programmes in ten establishments as part of a new Custody to Work programme. This programme, which is being established with an additional £30 million funding, is aimed at improving prisoners’ chances of getting a job and stable accommodation on release. It is aimed particularly at short-term prisoners and will seek to link them more effectively with the job market.

Educational activity, which is designed to provide occupation, training and education

Prisoner education and training is the responsibility of the Prisoners’ Learning and Skills unit (PLSU) located in the Department for Education and Skills (DfES). It was set up in April 2001 to support a Prison Service/DfES partnership intended to bring about improvements in both the quality and quantity of prisoner education and training. The publication that accompanied the launch of the partnership *Improving Prisoners’ Learning and Skills – A New Strategic Partnership* is available on the lifelong learning website – www.lifelonglearning.gov.uk

In June 2000, the national core curriculum was revised and published in PSO 4205 Education and Prisons. This states the requirements of education provision in terms of content, delivery and outcomes. The core curriculum has been implemented by all Prison Service establishments and includes:

- initial assessment using the Basic Skills Agency (BSA) screening test;
- basic skills;
- key skills;
- information technology;
- national record of achievement;
- social and life skills (accredited by the Open College Network);
- generic preparation of work;
- English for speakers of other languages (ESOL); and
- Social and Life Skills Unit (accredited by Open College bodies).

The PLSU is also in the process of piloting the “learn direct” project in six prisons. “Learn direct” will deliver basic and key skills by applying them to vocational subjects and will adopt the most cost-effective and secure way of giving prisoners access to Internet and CD ROM based materials.

The main thrust of education in prisons is to provide opportunities for offenders to attain qualifications in basic and/or key skills up to level 2, which will enhance their employability on release. Opportunities for achieving basic and key skills are encouraged across regimes so that offenders can attain qualifications in physical education, catering, vocational training and workshop areas.

The Government’s targets are to achieve 23,400 accredited educational/vocational full qualifications in 2001-02 and 36,000 in 2003-04. The Prison Service is responsible for 10% of the overall basic skills qualifications achieved to date

One of the Prison Service’s current Key Programme Indicators is that by 2002 the number of prisoners leaving at the end of their sentence at or below level 1 in literacy and numeracy will be reduced by 15%. This is supported by ambitious targets on prisoners achieving level 2, ensuring all prisons have plans to assess how prisoners with basic skills needs will be supported in the workplace and by providing training to civilian instructors and prison officers to support these needs.

Northern Ireland

The Northern Ireland Prison Service is an agency of the Northern Ireland Office. It is part of the criminal justice administration in Northern Ireland, which is a subject reserved to the United Kingdom Parliament and not yet devolved to the Northern Ireland Assembly. The Service is run separately from the other United Kingdom Prison Services with its own Director General reporting to the Northern Ireland Office and to United Kingdom Government Ministers. The Director General’s job is to manage the Northern Ireland Prison Service and to be the principal advisor to the Secretary of State for Northern Ireland on all matters of prison policy.

Whilst much of the work of the Northern Ireland Prison Service is similar to that of other United Kingdom Prison Services it also has to respond to the unique political and social circumstances which exist in Northern Ireland. In the past this has meant accommodating large amounts of extremely dangerous terrorists in segregated conditions mostly at Maze prison. This impact of this on the Service was both destructive and diversionary.

It created an atmosphere in which staff found it difficult to have positive working relationships with prisoners and it absorbed a huge amount of management energy reducing the Service’s ability to deal with other important issues. Consequently, it was not until after the signing of the Good Friday Agreement and the closure of the Maze prison, in September 2000, that the Service was able to tackle its current extensive programme of normalisation and modernisation.

Prison Accommodation

Generally prisoners in Northern Ireland are accommodated in single cells and have 24 hours access to sanitation. Exceptionally remand prisoners are required to share cells and currently some prisoners are in temporary dormitories because of the major refurbishment of cell blocks. Northern Ireland prisons are not presently experiencing the overcrowding which exists elsewhere in the United Kingdom because the provision of prison places exceeds the prison population.

Developing programmes for prisoners

In addition to offending behaviour programmes, each prison establishment offers a range of work and education activities. Work is currently in hand to improve the daily routines and staffing arrangements at the prisons to ensure maximum use can be made of the places available. A recent study on employability is being used to help inform the types of training courses and of work the Service should make available to prisoners. The aim is to make constructive activity, work, vocational training or education, available to all sentenced and unsentenced prisoners as required.

In addition to dealing with the offending behaviour and occupational needs of prisoners the Service seeks to ensure a high standard of healthcare for all inmates. A major review of the healthcare provision is nearing completion and the recommendations arising from this will be implemented during the coming financial year.

Prisoners at risk of suicide/self harm

The Service has also recently completed a study of the ways it manages prisoners at risk of suicide or self-harm and is acutely aware of the vulnerability of prisoners to suicide or self-harm. The objective of the study was to benchmark current practice against good practice elsewhere, taking into account current literature. The study will be used as a basis for a revision of current policy and the redrafting of the present manual. The deaths in custody rates for the current and three previous years is as follows:

| Year | Average daily population | Self-inflicted deaths | Other deaths | Total | Deaths per 100,000 prisoners |
|-------------------|--------------------------|-----------------------|--------------|-------|------------------------------|
| 1998/99 | 1402 | 1 | 1 | 2 | 71 |
| 1999/00 | 1179 | 5 | 1 | 6 | 424 |
| 2000/01 | 1010 | 2 | 1 | 3 | 198 |
| 2001/02 (to date) | 902 | 0 | 0 | 0 | 0 |

Articles 13 and 14: Right to education, including primary education

Q.33 Acknowledging the State party's view that primary and secondary public education should be available free of charge, the Committee would like to be informed on the existence and level of costs that still arise due to requirements of, inter alia, school materials, school uniforms, and parental contributions. Please also explain in more detail

the issue of parental contributions mentioned in paragraph 13.19 of the report, particularly with regard to its voluntary nature and the type of activities financed with such contributions.

A.33 As the Committee has noted, the principles relating to voluntary contributions are set out in paragraph 13.19 of the Report.

England

In addition to the material set out in paragraph 13.19, the Committee is informed that in deciding on their school uniform, schools are expected to give high priority to cost considerations. No school uniform should be so expensive as to leave pupils or their families feeling socially excluded. This applies both to existing and prospective pupils. It is not acceptable for parents of prospective pupils to be deterred from applying to the school of their choice because they are unable to meet the cost of its school uniform. This situation cuts across the Government's aims of supporting parental preference and preventing social exclusion.

Local Education Authorities have the discretion to provide grants for items of school uniform and to decide the award criteria. However it is not compulsory to do so.

Statistics are not collected to indicate the number or level of voluntary contributions requested by schools, or of the prevalence and cost of school uniform.

Northern Ireland

The wearing of a school uniform is not governed by legislation but falls to schools to determine. Assistance towards the cost of school uniforms is available to pupils in secondary and special schools where parents are in receipt of Income-based Job Seekers Allowance or Income Support. Assistance amounts to £59.50 for children under the age of 15 and £64.50 for those over 15.

Q.34 It has been brought to the Committee's attention that 33% of children in inner city areas at secondary school age are at least two years behind in literacy. What steps have been taken to address this problem?

A.34 England

The National Literacy Strategy was introduced in September 1998 to improve standards of literacy in primary schools. In 1998, 65% of 11 year olds attained the expected standard for their age. The introduction of a daily, dedicated literacy hour has led to a 10% point increase to 75% last year. As well as raising standards nationally, the literacy strategy has begun to close long-standing achievement gaps. Some of the fastest improving areas are among the most deprived; for example, the results of 11 year-olds in Tower Hamlets in inner London have risen by 21% over the last three years – twice as fast as the national average.

The literacy strategy will ensure that increasing numbers of pupils leave primary school with the skills they need to get the most out of the secondary curriculum. The Key Stage 3 National Strategy aims to build on the progress so far in primary schools by raising standards for all pupils in the early years of secondary education. The initial focus is on

English and mathematics and these have been implemented nationally from September 2001. A key part of the strategy is supporting children who start secondary school below the level expected for their age in English with targeted support programmes to help them catch up with their peers early on.

Northern Ireland

The Schools Improvement Programme includes, amongst other initiatives, a strategy to promote higher standards in literacy. The objective is for all young people to achieve their full potential irrespective of their background and circumstances, consistent with the aims of the Department's New Targeting Social Needs Action Plan; improving standards of literacy is a key element.

The main elements of the literacy strategy are:

- revised Education and Literacy Board structures to support schools;
- an early intervention programme for Year 2 pupils struggling with reading;
- a major programme of in-service support and training for all teachers;
- targets for improvement in attainment in literacy at the end of Key Stage Assessments (target for Key Stage 3 (age 14) is that, by 2004, 75% of pupils will achieve level 5, or above, in English);
- a requirement on all schools to set their own targets;
- the provision of summer literacy schemes.

Standards are slowly improving in the primary sector, but as yet there is no clear evidence of steady and sustained improvement. The improvements in the primary sector will provide a solid platform on which the secondary sector can build.

The Department, along with its main education partners, is reviewing the strategy; it is intended to complete the review and agree any new developments by Easter 2002.

Scotland

The Scottish Authorities are unaware of where the figure of 33% comes from. For Scotland, no specific statistics are collected for inner city areas, however overall for S2 pupils, by June 2001, the percentage that attained level E or above was 56.4% in reading and 45.9% in writing. This represents an increase from June 2000 where corresponding figures were 53.1% and 43.5%. For Standard Grade awards in English as a percentage of S4 roll was 1-2, 38%, 1-4, 90%, and 1-6, 94%.

Scottish Executive Education Department (SEED) is currently developing proposals for a national statement on improving attainment in literacy in schools. The national statement will set out for the first time the full range of current initiatives being undertaken by the Scottish Executive to raise standards in literacy. The document will also draw together and set within an overall context the main findings from relevant reports and surveys on improving literacy. The aim of the national statement will be to stimulate continuing improvement in attainment by developing greater partnership and support activities involving the Scottish Executive, HMIE, Education Authorities, teachers, parents and other stakeholders. Two key areas are the raising of levels of attainment amongst pupils experiencing poverty and injustice, and the improvement of standards in S1/S2.

Wales

The commitment to raise standards in literacy is a central element in the Welsh Assembly Government's strategy paper *A Plan for Wales, 2001*. Details of priorities in the school sector were set out by the Welsh Assembly Government in the *The Learning Country – A Comprehensive Education and Lifelong Learning Programme to 2010 in Wales*, published in August 2001. This paper complemented the Assembly's *National Basic Skills Strategy* issued in April 2001.

The *Learning Country* set specific targets with regard to attainment in schools – in particular by the year 2010 90% of 10 year olds should attain level 4 or better and 85-90% of 14 year olds should attain level 5 or better – in 2001 performance was 78% and 62% respectively.

Action being taken by the Welsh Assembly Government to raise standards of literacy amongst young people of school age has concentrated primarily on support for all local education authorities (LEAs) to develop local strategies for work with primary and secondary schools to improve standards. The support and advice provided by the Welsh Assembly Government to LEAs includes:

- development and publication of a national strategy *Raising Standards of Literacy in Primary Schools* launched in 1999;
- monitoring of the impact of LEA strategies and identification of best practice through inspections of 50% of LEAs undertaken by HM Inspectors of Education and Training in Wales (Estyn);
- ring-fenced funding of £5 million a year to support local authorities (Grants for Education, Support and Training – GEST) and schools in provision of training to raise standards of literacy and numeracy;
- extension of GEST support to include family literacy and summer literacy schemes;
- £9 million made available to local education authorities in 2001-02 to lift standards at Key Stage 3 (education for 11-14 year olds).

Support provided to all LEAs is complemented by initiatives that look to target those most in need – including inner city communities. This includes:

- £27 million made available to the Basic Skills Agency over a three-year period. This resource is targeted specifically at those children that need intensive help to make progress. Support includes:
 - out of school programmes to support basic skills;
 - extension of family literacy programmes – in particular aiming to bring parents up to date with what their children are learning – *Keeping up with the children*;
 - a quality standard for family literacy;
 - working with initiatives such as “Sure Start” to develop early language programmes for parents and early learners;
 - continuation of the proven successful Books for Babies programme.
- Targeted support for Wales' most deprived communities through the Communities First programme. Communities First provides an additional £82 million over three years targeted at 88 deprived communities in Wales.

Further work

While there has also been a gradual increase in attainment at the end of the first three years of secondary education (Key Stage 3), progress has been much slower, largely due to the earlier emphasis placed on raising standards in primary schools. There is evidence that the challenge of coping with the transition from primary to secondary school can be associated with the downturn in achievement. The main thrust of our plans for 2002-03 onwards will be to ease that transition and to address the dip in standards through out Key Stage 3. To address this:

- an extra £25 million in 2002-03 and £32 million in 2003-04 will be made available to LEAs to improve standards in schools;
- GEST funding has been refocused to provide support for LEAs to roll forward numeracy strategies into the secondary sector;
- Estyn and the Qualifications, Curriculum and Assessment Authority for Wales (ACCAC) will produce guidance and materials to assist LEAs and secondary schools in rolling literacy strategies forward into the secondary sector. ACCAC will also produce guidance for schools on continuity in curriculum planning between KS2 and KS3;
- an additional INSET day will be provided in 2002-03 to strengthen and support teachers' skills during the Key Stage 2 and Key Stage 3 transition period and throughout the course of KS3 education; and
- The Education Bill – currently before Parliament – makes provision for the formation of families/consortia of secondary and feeder primary schools to address transition issues.

Q.35 With regard to truancy and exclusion of pupils, paragraph 13.54 of the report mentions measures of effective action against truancy and exclusion, and measures specifically aimed at reducing the level of ethnic minority exclusion. This is in accordance with the Committee's recommendation (E/C.12/1/Add.19, para.31) on the State party's third periodic report. Please provide information on the results of these measures.

A.35 Despite putting into place all of the measures proposed and more, the overall rate of unauthorised absence has remained at 0.7% of school sessions since attendance data was first published in 1994. Too many children are missing school with their parent's consent. Authorised absence is also a problem, affecting almost 90% of absences and is therefore as much a barrier to raising standards and narrowing achievement gaps as unauthorised absence.

In the first round of Education Development Plans (EDPs), national targets were underpinned by Local Education Authority-level targets to cut unauthorised absence, but with no mention of authorised absence. LEAs have argued that this distinction between types of absence has hindered their ability to work effectively with schools, since it created an incentive for schools to authorise absences when they should not. In the EDPs for 2002-2007 LEA targets will now be for total absence.

We need to ensure that schools take responsibility for attendance. Evidence shows that those schools who reduce truancy are those who have clear leadership and planning, reliable systems, which work across the school and good use of data and evidence from monitoring. We are proposing that all schools with above average levels of truancy set targets for reducing levels of unauthorised absence as part of the EDP process.

We are providing more support than ever before to schools and LEAs to tackle truancy and its underlying causes. Over three years we have provided in excess of £500 million to support local projects.

Work needs to be done to develop mechanisms for recording good quality attendance data ensuring schools are fully aware of how many children are out of school and for what reasons. A starting point is a £11.25 million project funded through the Capital Modernisation Fund to install electronic registration systems for approximately 500 secondary schools for the next financial year.

Q.36 Does the State party make any difference regarding university tuition fees between its citizens and foreigners?

A.36 *United Kingdom*

The United Kingdom does not make a direct difference between its citizens and foreigners for the purposes of university tuition fees. However, it does make a difference between 'home' and 'overseas' university tuition fees rates. Students classed as 'home' make a means-assessed contribution towards their tuition fees, up to a maximum of £1,075 for the 2001/02 academic year. 'Overseas' students are liable for the full cost of their tuition. To be eligible for 'home' rate university tuition fees a student must meet the three criteria set out below:

- the student must be 'settled' in the United Kingdom as defined by the 1971 Immigration Act (settlement is defined in the Immigration Act 1971 as being ordinarily resident in the United Kingdom without being subject under the immigration laws to any restriction on the period for which the person in question may stay;
- the student must have been resident in the United Kingdom for three years prior to the beginning of the course;
- no part of the residence was mainly or wholly for the purposes of receiving an education.

The regulations which higher education institutions use in deciding fee status take no account of factors such as whether or not the student possesses United Kingdom nationality, owns property in the United Kingdom, or pays United Kingdom taxes.

There are a limited number of exceptions to these criteria, they are:

- Refugees – Students who are recognised as refugees by the United Kingdom Government (within the meaning of the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol) and who are now ordinarily resident in the United Kingdom are exempt from the three-year residency requirement, as are their spouses, children and stepchildren.
- European Economic Area (EEA) Migrant Workers – Students who are EEA (the EU plus Iceland, Liechtenstein and Norway) migrant workers must have been working in the United Kingdom at the time of the course starting or have been looking for work

for six months. However, the three-year residency requirement may be completed in any part of the EEA. The same is true for their spouses, children and stepchildren.

- Returning United Kingdom Migrant Workers – Students are treated in exactly the same way as EEA migrant workers, as are their spouses, children and stepchildren.
- Exceptional Leave to Enter/Exceptional Leave to Remain (ELE/ELR) – Students who have been granted ELE/ELR by the Home Office but only as the result of a failed asylum application and who are now ordinarily resident in the United Kingdom are exempt from the three year residency requirement. The same is true for their spouses, children and stepchildren.
- European National and their children – Under the Treaty of Rome the United Kingdom is obliged to charge nationals of a member state of the European Union, who meet certain residence requirements, the same fees as ‘home’ students.

Students who do not fill the above criteria or the exceptions are subject to the ‘overseas’ rate for tuition fees.

Scotland

The same rules are generally applied in Scotland as in England with one notable exception. “Home” students undertaking a full-time higher education course in Scotland are not liable for the means-assessed contribution to the £1075 tuition fee if they are deemed to be “Scottish domiciled” or “EU Nationals and their children”. The full £1075 (2001/2002 rate) is met by the Students’ Awards Agency for Scotland.

To be deemed a Scottish domiciled student, individuals must be ordinarily resident in Scotland on the first day of the first academic year of their course and this residence must not be wholly or mainly for the purposes of receiving an education. The exceptions mentioned above in respect of the United Kingdom must also meet this criteria in order to benefit from this payment.

Q.37 In paragraph 13.56 of the report, reference is made to section 131 of the School Standards and Framework Act 1998 (entry into force 1 September 1999), which makes it unlawful to inflict corporal punishment on pupils in maintained and non-maintained schools or on children in nursery school. Please provide information on whether this Act is applicable to other juvenile institutions, in all parts of the State party.

A.37 England

Residential Care

Currently the use of corporal punishment is prohibited in Children’s Homes, Care Homes and secure accommodation:

- regulation 8 of the Children and Young Persons Children’s Homes Regulations 1991 (made under the Children Act 1989) prohibits the use of physical punishment on children living in a children’s home. This is repeated in regulation 17 of the Children’s Homes Regulations 2001 (made under the Care Standards Act 2000) which come into force on 1 April 2002. However, in addition, these new regulations place a duty on all Children’s Homes to have, and keep under review, a written

policy on behaviour management. This policy must set out the measures of control, restraint and discipline that may be used in the children's home and how appropriate behaviour is to be promoted in the home.

- regulation 32 of the Care Homes Regulations 2001 (made under the Care Standards Act 2000) set out that the prohibition of the use of physical punishment in Children's Homes also applies to care homes where a child is accommodated.
- secure accommodation is already bound by the Children's Homes Regulations 1999 and will continue to be subject to the Children's Homes Regulations 2001. Therefore the use of corporal punishment by staff is prohibited in this setting.

The Residential Family Centres Regulations 2002 (to be made under the Care Standards Act 2000) are currently in draft for consultation. The draft includes, in regulation 11, a requirement that the registered manager/provider of the centre shall ensure that persons working at the residential family do not use corporal punishment on any resident under the age of 18.

Children in foster homes

The use of physical punishment in foster placements is prohibited by paragraph 5 of schedule 2 to the Foster Placement (Children) Regulations 1991 (made under the Children Act 1989). This prohibition is repeated and strengthened in regulation 13 of the Fostering Services Regulations 2002 (made under the Care Standards Act 2000) which come into force on 1st April 2002. These regulations will require that the fostering service provider shall draw up and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents. Therefore the fostering service will need to make clear to foster carers that corporal punishment is not acceptable and that this includes smacking, slapping, shaking and all other humiliating forms of treatment or punishment.

Whilst these regulations do not apply to private fostering arrangements that parents may make for their children, The Children Act 1989 Guidance and Regulations Volume 8 sets out that "corporal punishment is inappropriate for children who are privately fostered". This guidance makes clear that "corporal punishment" should be taken to cover any intentional application of force as a form of punishment, including slapping, pinching, squeezing, shaking, throwing objects and rough handling.

Children in day care and with childminders

Under provisions in Part VI of the Care Standards Act 2000, responsibility for the regulation of day care and childminding has been transferred from local authorities to the Office for Standards in Education (OFSTED) in the summer of 2001. Under the Day Care and Child Minding (National Standards) (England) Regulations and the National Standards for Under-Eights Day Care and Childminding the use of physical punishment in day-care settings is prohibited.

These standards and regulations do however allow childminders to smack children in their care, but only if they have the parent's prior written permission. The Childminding Standards, published in May of this year, require childminders to keep records of parental consent for the use of physical punishment and an incident record relating to the use of

physical intervention. However childminders can, if they wish, have a no smacking agreement with the parents, and if they are a member of the National Child Minding Association and/or receiving Nursery Education Grant because they are providing nursery education they should not be smacking the children in their care. OFSTED will inspect providers of daycare and childminders to ensure that they meet all the standards. Where childminders do intend to smack minded children, OFSTED will carefully discuss their policy and procedures with them.

The Position for Children in the Juvenile Justice System

The use of physical punishment is not permitted within the English and Welsh Prison Service. The permissible punishments are laid out in Statutory Instruments. Those appertaining to Young People In Prison Custody are codified in The Young Offender Institution Rules 2000 which came into force on 1 April 2001. The instructions as to the use of these punishments are laid out in guidelines entitled "Prison Discipline Manual"; the manual is currently being reviewed and an amended version will be issued in 2002.

Staff may hold and restrain a young person to enable them to regain self-control when the safety of themselves or others is at risk and to cope competently and effectively with violent and potentially disruptive situations with minimum risk of injury to staff and young people. The restraint techniques must be used only as a last resort when all other measures not involving force have been unsuccessful or are unlikely to succeed. The policy and written guidance on the use of restraint is given in a Prison Service Order (PSO 1600). Staff are trained in the methods of restraint by qualified instructors and are required to receive refresher training each year.

Policy and practices in regard to alleged abuse by staff are incorporated in the "Child Protection Protocol", which was drawn up in conjunction with the Department of Health. The latest version was issued as a Prison Service Instruction (PSI 62/2001) and as an annex to a Prison Service Order (PSO 4956) entitled "Regimes for Prisoners Under 18 years old".

Northern Ireland

Schools

The School Standards and Framework Act 1998 does not apply in Northern Ireland. However, corporal punishment is illegal in all grant-aided schools (i.e. all schools which receive state funding) and has been so since 1987. In independent (i.e. non grant-aided) schools it must not be inconsistent with a person's right under the Human Rights Act not to suffer inhuman or degrading treatment. However legislation is being brought forward in the Northern Ireland Assembly shortly which, if passed, will have the effect of bringing the independent schools into line with all other schools. (There are very few independent schools, involving only a few hundred children - these have been established by religious denominations which are unwilling to have their children taught the statutory curriculum.)

Residential care

Regulation 8 of the Children's Homes Regulations (NI) 1996 prohibits the use of physical punishment on children living in a children's home, although other disciplinary measures are permitted.

Children in foster homes

There is no legal prohibition on the use of physical punishment in public or private foster homes. However both the Children Order guidance and the United Kingdom National Standards for Foster Care, launched in Northern Ireland in September 1999, make clear the Department's policy that physical punishment (smacking, slapping, shaking) should not be used on foster children.

Children in day care or with childminders

As for foster parents, there is no legal prohibition on physical punishment by childminders and day care providers, but guidance issued by the Department of Health, Social Services and Public Safety states that their policy is that physical punishment (smacking, slapping and shaking) should not be used by those providing such services.

The Position for Children in the Juvenile Justice System in Northern Ireland

The standards introduced along with the Criminal Justice (Children) Order 1998 state explicitly that: "young people whose conduct is unacceptable are dealt with using positive and fair sanctions".

Following the legislation the Juvenile Justice Centre Rules (Northern Ireland) 1999, issued in January 1999, confirm that "children will be treated with fairness and dignity and respect at all times... " (Paragraph 3.1 (f)) and "only forms of control approved by the Secretary of State may be used in dealing with an unruly child" (Paragraph 29). The use of physical punishment is specifically precluded and staff may only hold and restrain a young person to enable them to regain self control, when safety of others is at risk or to prevent escape. If necessary the young person can be separated from the group and be placed, in most cases, in their own room for a short period of time until they have settled. Staff have received training in methods of restraint from the Prison Service C&R Centre, Doncaster which has Home Office approval for delivering training in "non-pain compliant" holds. Unwarranted or inappropriate use of physical force is taken very seriously and would become a matter for staff discipline and police investigation, with a possible outcome of prosecution.

There is a policy and written guidance on the use of restraint and each episode of restraint must be recorded. Policies and practices in regard to alleged abuse by staff are followed up in accordance with the guidance issued in 1996 on the foot of the Children (Northern Ireland) Order 1995 on child protection, "Co-operating to Protect Children." The policy in regard to any suspicion or allegation of abuse by staff is to refer for joint investigation by police and social services under the "Protocol for joint investigation of child abuse by police officers and social workers".

Scotland

Issues of physical punishment of children are not reserved matters under the Scotland Act 1998, and are therefore devolved to the Scottish Parliament.

Schools

Corporal (or physical) punishment is now unlawful in all state schools and independent schools and may result in criminal charges if used as stated in section 16 of the Standards in Scotland's Schools Act 2000. However this does not include anything done to stop immediate danger to someone's personal safety or their property.

Pre-school education and childminders

Corporal punishment is prohibited in publicly funded pre-school education by the Standards in Scotland's Schools etc, Act 2000. Childminders and other child carers are not currently prevented by law from using corporal punishment on children they look after, although the guidance on regulation of childcare issued under the Children Act 1989 states that there are no circumstances in which sanctions such as smacking, slapping or shaking can be justified.

Proposals are in hand to extend the ban on physical punishment to childminders and others working in regulated day care setting. This will be achieved by regulations under the Regulation of Care (Scotland) Act 2001 and will result in consistency for all childcare outside the family home.

Looked-after children

Where local authorities have direct responsibility for looking after children there are limitations on the use of physical punishment. No child can be placed with a foster parent unless that person has entered into a written agreement with the local authority which includes agreeing not to administer corporal punishment to the child: (Regulation 8 and paragraph 6 of Schedule 2 of the Fostering of Children (Scotland) Regulations 1996, (SI 1996/3263).

For children who are placed in residential establishments, the use of corporal punishment is forbidden by Regulation 10(2) of The Residential Establishments -Child Care (Scotland) Regulations 1996 (SI 1996/3256).

Wales

The School Standards and Framework Act 1998 applies in Wales and therefore it is unlawful to inflict corporal punishment on pupils in maintained and non-maintained schools or on children in nursery school. In addition, the matters of the use of corporal punishment in the home and in youth offending institutes fall within reserved (i.e. non-devolved) areas of responsibility, and the positions as outlined above for England therefore also apply in Wales. However there are a number of childcare settings in which policy is a devolved matter, namely Childminding and Day care, Children's Homes, Care Homes and Foster Care. There are, in existing regulations under the Children Act 1989 and the Registered Homes Act 1984, bans on the use of physical punishment in all of

these settings except Childminding and Day care. However, the National Assembly for Wales is bringing forward regulations for each of these settings under the Care Standards Act 2000 that will have the effect of prohibiting the use of or threat of use of corporal punishment on children.

Q.38 Mention is made of citizenship and human rights education to be introduced as a compulsory part of England's National Curriculum for secondary school pupils from 2002 in paragraph 13.41 of the report. Please indicate whether this will also apply to all parts of the State party.

A.38 *England*

Citizen education is being introduced in secondary schools in September 2002 and one of the topics that will be covered is human rights. Citizenship was introduced in primary schools in September 2000 although it is not compulsory as it will be in secondary.

Northern Ireland

Northern Ireland has taken formal opportunities within the curriculum to promote equality, inclusion and create an awareness and respect for cultural diversity. This has been achieved mainly through the cross-curricular themes of Education for Mutual Understanding (EMU) and Cultural Heritage. Pupils should develop knowledge and understanding of the nature of prejudice and conflict, between both individuals and societies within a variety of contexts which include race and religious persuasion (see also paragraph 13.134 of the Report).

In addition, through programmes of personal and social education at Key Stages 3 and 4, pupils should develop knowledge and understanding of race and ethnicity with emphasis on diversity and pluralism, mutual understanding, justice, fair play and equal opportunities.

The Northern Ireland Council of the Curriculum, Examinations and Assessments (CCEA) is carrying out a review of the current curriculum. It is proposed that there will be a specific programme of study for Citizenship and, within this programme, racial equality issues will feature alongside other equality concerns.

The Department has also been working closely with the NI Human Rights Commission and is providing funding for a Bill of Rights project, the aim of which is to raise awareness of Human Rights in the post primary sector.

In addition, the Department is totally committed to the proper implementation of the duties imposed on all public authorities by section 75 of the Northern Ireland Act. This of course includes the necessity to have due regard to the promotion of equality of opportunity between certain specified groups – racial groups. It has a duty to have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion and racial groups.

Scotland

The School Curriculum in Scotland differs from that in England as it is non statutory. Responsibility for its management and delivery belongs to education authorities and Head teachers, or in the case of independent schools, the boards of governors and Head

teachers. However, advice and guidance is provided by the Scottish Executive Education Department. (SEED).

The School Curriculum in Scotland already provides a rich resource for citizenship education and SEED is committed to working with schools to ensure that our children and young people fully understand and play their part as citizens. The 5-14 curriculum programme for pupils between those ages offers a number of opportunities for pupils to learn about citizenship education under Personal and Social Development, Religious and Moral Education, and, in particular, under Social Subjects within Environmental Studies. The guidelines on Personal and Social Development (PSD) refer specifically to learning about and developing inter-personal relationships, including those with the wider community and those on Religious and Moral Education also provide opportunities to learn about and develop moral values and attitudes in the context of relationships with others in the community. In addition, secondary schools offer Modern Studies courses, which offer substantial opportunities for teaching about citizenship.

Learning and Teaching Scotland on behalf of the SEED has developed a national statement on Education for Citizenship. The principle focus is on school and pre-school sectors and on clarifying the role of formal education from 3 to 18 in equipping young people as citizens. This has been subject to extensive consultation and recommendations for future action required are currently being considered by Scottish Ministers

Wales

Citizenship is not proposed as a separate subject in Wales. During the review of the National Curriculum for Wales, Ministers took the view that citizenship should be embedded in a framework for Personal and Social Education (PSE). The framework for PSE was unanimously endorsed by Assembly Members in January 2000. It was implemented in schools in Wales at all four stages of compulsory education alongside the revised National Curriculum for Wales in September 2000. The framework is non-statutory, but the Welsh Assembly Government is committed to consider whether PSE should be given statutory status. Advice from the Qualifications Curriculum and Assessment Authority for Wales on this issue is expected soon.

Although the framework for PSE is not compulsory it relates closely to many aspects of the compulsory National Curriculum. There are, therefore, many opportunities in the National Curriculum for Wales to develop citizenship issues.

Article 15: Right to take part in cultural life, to enjoy the benefits of scientific progress and the protection of intellectual property

Q.39 Please state the reasons for not offering Irish education in all Catholic and integrated primary and secondary schools in Northern Ireland. Furthermore, please provide statistics on the costs of teaching Irish, Gaelic and Welsh, as a percentage of the public expenditure on education in Northern Ireland, Scotland and Wales respectively, including non-English-medium schools.

A.39 Northern Ireland

The Irish Language is offered as a subject in schools. There are the following Irish Medium Schools, where subjects are taught in Irish:

- 10 primary schools
- 1 secondary school
- 5 primary schools Irish Medium Units
- 1 post primary school Irish Medium Unit
- 10 Independent Irish Medium Primary Schools

The cost of Irish Medium Schools is not kept separately. They are funded through the Education and Library Boards. They fund most mainstream schools in Northern Ireland.

Scotland

The Scottish Executive provides a specific grant for Gaelic Education amounting to £2,834,000, which accounts for 75% of the cost, the remainder being borne by the local authorities. There is a further pre-school grant of £300,000 and grants of £1,800,000 for Gaelic Organisations and projects, and £8,500,000 for Gaelic Broadcasting. Other contributions for Gaelic education and projects come from the Scottish Arts Council, Scottish Enterprise, the Scottish Higher Educational Funding Council and the Scottish Further Education Funding Council. Local authorities also make contributions: for example, Argyll and Bute Council receive £245,000 in Specific Grant, but spend £635,000 on Gaelic education.

Wales

Welsh is firmly embedded into the National Curriculum in Wales and is, therefore, no different from any other National Curriculum subject. The National Assembly does not hold statistics on the cost of teaching individual National Curriculum subjects.

Welsh is a compulsory subject for all pupils aged 5-16 in maintained schools in Wales, irrespective of whether they are Welsh-speaking schools (as defined in statute) or non-Welsh –medium schools.

In addition, some 32% of primary schools in Wales use Welsh as the medium of instruction (wholly or partly) and some 22% of secondary schools are defined as “Welsh-speaking”.

Foreign and Commonwealth Office
London

14 March 2002

ANNEX I

Debt Relief for Poverty Reduction

Progress To Date

To date, twenty-four Heavily Indebted Poor Countries (HIPC) have qualified for debt relief under the Enhanced HIPC Initiative. Relief totalling more than US\$54 billion will be provided to these countries, reducing their debts by around two-thirds on average, and freeing up resources for spending on poverty reduction.

The impact of relief under the HIPC Initiative on debt servicing is that payments fall by about a third; this is less marked than the reduction in debt 'stock', as substantial portions of debt were not being serviced before relief. For example, Mozambique's debt payments in the years 2000-2002 will be around US\$50 million, less than half of what they paid in 1998 (US\$104m); but on average Mozambique would have owed more than US\$450 million in the years 2000-2002 without debt relief.

Following debt relief the social expenditures of the twenty-three qualified HIPC countries are projected to rise by an average of some US\$1.7 billion per year. Spending on such social services as education, health, and safe water is projected to be around three times more than debt servicing in the years 2001 and 2002. For the first 23 countries that reached Decision Point, the proportion of the government budget devoted to debt servicing will be considerably lower than the developing country average, at around 11%.

Of the twenty-four countries that have qualified for debt relief, Uganda, Bolivia, Mozambique and Tanzania have now reached Completion Point, receiving an irrevocable reduction in their stock of debt. Up to 5 more HIPC countries - Benin, Burkina Faso, Guyana, Mali and Senegal - could reach their Completion Points in 2002 and receive their relief irrevocably. However, Completion Points are dependent on countries fulfilling the poverty reducing actions agreed at Decision Point, and not all of these countries may do so this year.

The HIPC Initiative

The Heavily Indebted Poor Countries (HIPC) Initiative was launched by the IMF and World Bank in 1996. It recognised that exceptional relief would be required to bring about an irrevocable reduction in the debts of some of the poorest countries, and that this would need to include, for the first time, debt relief from multilateral institutions, such as the World Bank, the IMF and the regional development banks.

However, the experience of some of the first countries to qualify for HIPC debt relief led the UK Government to call for a fundamental review of the HIPC Initiative. The Government believed the HIPC Initiative would have to be redesigned to facilitate faster, wider and deeper relief for poor countries committed to eradicating poverty. HIPC countries would be provided with a robust, permanent solution to their debt problems, freeing up their resources for poverty reduction. The Enhanced HIPC Initiative, agreed at the Annual Meetings of the World Bank and IMF in September 1999, enables greater flexibility to be shown in assessing a country's eligibility for debt relief, with a shorter and more intensive assessment of governmental commitment to

poverty reduction. The Enhanced HIPC framework also means that each qualifying country receives more debt relief.

The amount of debt relief provided under HIPC is determined by the debt sustainability ratios. A country's debt is compared with (a) its export earnings and (b) government revenue, and relief is provided to bring the ratios down to the levels indicated below. Reducing the debt sustainability ratios has allowed more countries to benefit from HIPC relief.

HIPC debt sustainability ratios

| | Original | Revised |
|----------------------------|----------|---------|
| Debt to export(%) | 200-250 | 150 |
| Debt to Government Revenue | 280 | 250 |

Countries qualify for relief in two stages. They reach Decision Point when they have demonstrated their commitment to poverty reduction by pursuing sound policies and undertaking reforms agreed with the IMF, normally for three years. Under the original framework, Completion Point was reached after a further three years of implementing reforms. However, as part of the revision to HIPC, it was agreed that Completion Point would be 'floating', that is that it would be dependent on HIPC governments demonstrating progress in tackling poverty, rather than after a fixed length of time.

The Enhanced HIPC Initiative delivers faster debt relief by providing relief from Decision Point, rather than from Completion Point. At Decision Point, 'flow' relief is provided, by which creditors forgo part of the payments due. At Completion Point, relief is provided irrevocably, with a proportion of the 'stock' of debt being cancelled. In most cases, relief is 'frontloaded', that is a larger proportion of the debt relief is provided in the early years, with an immediate and significant reduction in debt service payments.

Financing the HIPC Initiative

Governments provide relief to qualifying HIPC countries on debts they hold on a proportional basis. However, around half of the debt relief under the revised HIPC framework needs to be provided by multilateral institutions such as the World Bank, IMF and the regional development banks. Since not all multilateral development banks (MDBs) are able to cover the costs of providing their share of debt relief from their own resources, the HIPC Trust Fund has been established to receive and manage contributions from donor governments. To date the UK Government has made the second largest commitment - after the United States - to the Trust Fund: over US\$306 million, including our share of the contribution from the European Commission.

The Government successfully pressed for the European Commission to provide a substantial contribution to HIPC, with a \$1 billion package being agreed in December 1999 to support the Enhanced HIPC Initiative. Around a third of this will be used to meet the costs of the European Union's debt relief under the HIPC Initiative; the rest - some \$680 million - will be provided to the HIPC Trust Fund, primarily to help the

African Development Bank's debt relief efforts. In addition, the UK has given US\$69 million to the IMF to assist with the costs of providing its share of relief under HIPC. Table 2 at the end shows the pledges made to the HIPC Trust Fund by November 2000.

Debt relief and poverty reduction

The central focus of the Government's international development policy is a commitment to the International Development Targets, which aim at halving the proportion of people living in extreme poverty by 2015, and include targets on universal access to primary education and basic health care provision.

Debt relief is a key element in meeting these targets. However, the link with pro-poor policies is crucial. Only in this way will the poor benefit from debt relief measures. If debt relief were unconditional, the consequence could be increased military or prestige spending: leading to more debt.

The international community has strongly stated that the rationale for debt relief is to allow countries to tackle poverty more effectively. So, as part of the revision to the HIPC framework, a new approach to poverty reduction was agreed. This approach goes wider than debt relief, and will be implemented in HIPC and other poor countries, tying debt relief to poverty reduction. Governments in HIPC countries -are now leading national processes to develop Poverty Reduction Strategy Papers (PRSPs), involving civil society and the international community. These strategies will set out the action governments propose to take to reduce poverty and provide a budgetary framework not only for spending the savings from debt relief but also for allocating all other aid and government revenue so that they have the greatest impact on poverty reduction. It is important that the development of the strategies is transparent and participative, so that they are well grounded in a good understanding of poverty and command broad-based support. Governments also commit themselves to allowing civil society to monitor their actions.

PRSPs are now the basis on which the World Bank and the IMF provide assistance to each HIPC country. This approach involves substantial changes in World Bank and IMF operations, with their programmes providing support to, and their funds being channelled through, these nationally led development plans. Each country's savings from debt relief are also tied to the development plan, to create a central Poverty Action Fund (PAF) composed of both international and domestic funds. Some governments, including the UK, have also committed themselves to focusing their international development programmes on supporting the strategies. A DFID Background Briefing Note on Poverty Reduction Strategies is also available.

DEBT RELIEF FOR BOLIVIA

Bolivia reached Completion point in June last year, becoming the second country after Uganda to receive an irrevocable reduction in its debt stock under the Enhanced HIPC Initiative. This is a reflection of Bolivia's continued progress in implementing sound macroeconomic and structural policies. Bolivia's total relief under the HIPC Initiative, including relief from all its creditors, will amount to about US\$2 billion.

Bolivia reached Completion Point through satisfying the conditions laid down in its Decision Point agreement. Bolivia's PRSP has been designed to allocate the resources freed by HIPC relief to municipalities based on their population and level of poverty. The customs and internal revenue agencies have been reformed, and a new code of taxation procedure is awaiting ratification. Measures have been put in place to improve transparency in public expenditure, and participation in HIPC relief has been secured from all Bolivia's creditors.

Taking together HIPC relief and pre-existing bilateral debt relief, Bolivia's total external debt is reduced by 50%, possibly reaching 58% with additional bilateral forgiveness. Debt service payments will be reduced by some US\$120 million per year over the next ten years. Calculated as a percentage of exports of goods and services, debt service payments fall from 23% to 16%, and as a percentage of government revenue from almost 18% to under 13%. Resources made available by debt relief provided under the HIPC Initiative will enable Bolivia to implement the key poverty reduction programs outlined in its Poverty Reduction Strategy Paper. - adapted text

We hope that more countries will be able to qualify for debt relief this year. However, this is dependent upon each country developing an appropriate and workable PRSP, and further progress is hindered because of the engagement of many HIPC countries in conflict. The panel below shows the position of the remaining 19 countries.

HIPC Countries that have not qualified for debt relief

Those that could qualify for relief Debt Relief

Burundi
Central African Republic
Comoros Islands
Congo, Republic
Congo, Democratic Republic
Cote d'Ivoire
Ghana
HIPCs
Liberia
Myanmar
Sierra Leone
Somalia
Sudan
Togo

Those not opting for

Laos

'Sustainable'

Angola
Kenya
Vietnam
Yemen

Those countries classified as 'Sustainable' are assumed to be able to achieve debt sustainability by traditional debt relief mechanisms, and not to require HIPC levels of debt relief.

UK assistance on debt

- UK debt relief, and Official Development Assistance (ODA).

The UK has provided considerable assistance on debt. In addition to the contributions to the financing of HIPC outlined above, the Government has already cancelled the aid debts not only of HIPC countries, but of all the world's poorest countries: worth some £1.2 billion. The remaining debts of HIPC countries are owed to the Export Credits Guarantee Department (ECGD) and CDC. The UK Government provides full relief on all these remaining debts for qualifying HIPC countries, to free up more resources for investment in poverty reduction programmes - that is 100% relief for these countries. For some years, all UK bilateral aid to the poorest countries has been on grant terms, so as not to add to their debt burdens.

In July 2000, the UK Government announced a real terms increase of 20% in its development spending over the following three years - a stronger commitment than ever before to increasing the amount of UK Official Development Assistance (ODA) as a proportion of GNP. UK ODA has increased by 45% in real terms since 1997. In line with this, DFID's budget will rise from the current £2.8 billion to £3.6 billion by 2004. This ongoing commitment of development resources reflects the Government's determination to achieve the International Development Targets set for 2015, and the UK's status as the fourth largest bilateral donor in Europe.

- Ensuring Future Debt Sustainability.

It is important that countries do not reacquire very high levels of debts, once they have received their debt relief. Several factors determine a country's ability to maintain sustainable levels of debt. One such factor is the efficacy of their debt management and the development of a policy on future borrowing. DFID is co-funding the HIPC Capacity Building Programme, which provides technical assistance to enable HIPC countries to develop their expertise on debt. We must also ensure that all loans are made and used responsibly. The Export Credit Guarantee Department (ECGD) has committed itself to ensuring that the guarantees it provides for poor countries are not used for unproductive purposes. The UK is pressing for international agreements on this issue.

Another factor in debt sustainability is external 'shocks' - such as natural disasters or a marked decline in terms of trade - which can pose a threat to a country's debt position. The international community needs to ensure that it has effective means to assist countries, both HIPCs and other poor countries, with such shocks. For example, DFID provided additional budgetary support to a number of African countries at the end of 2000, which were suffering deterioration in their terms of trade, largely as a result of the increase in oil prices.

- Should 100% debt relief be provided to HIPC countries?

Governments provide relief to qualifying HIPC countries on debts they hold on a proportional basis. However, around half of the debt relief under the revised HIPC

framework needs to be provided by multilateral institutions, such as the World Bank, the IMF and the regional development banks. These provide a unique source of concessional finance for the world's neediest countries, operating on the principle that developing countries borrow from and pay back into the same sources of financing. The World Bank finances International Development Assistance (IDA) from repayments and investment income. Similarly, the IMF's Poverty Reduction and Growth Facility (PRGF) will in future be financed purely by reflows.

Simply to write off debts would effect a direct dollar-for-dollar reduction in IDA's ability to make future credits to poor countries, or would necessitate the doubling of contributions from developed countries, and the PRGF would be unsustainable in such a climate. The cancellation of such multilateral debt would mean a reduction in the ability of the World Bank and IMF to make the concessional loans so vital to the development of the world's poorest countries. Furthermore, for multilateral institutions to provide 100% relief would risk skewing limited development resources away from other very poor non-HIPC countries who have handled their debt well, and whose debt to export ratios are now higher than those of HIPC countries who have qualified for relief. The UK Government does not, therefore, support 100% cancellation of IMF and World Bank loans: a practice, which would be neither desirable nor equitable.

- Should Middle-Income Countries be eligible for Debt Relief?

The UK Government does not support extending the enhanced HIPC Initiative to middle-income countries, which are sufficiently credit-worthy to be able to access both IBRD (International Bank for Reconstruction and Development) and IDA finance from the World Bank. To extend the Initiative to cover middle-income countries would weaken the link between debt relief and poverty reduction. DFID's aid programme is focused on poor countries with pro-poor policy environments; debt relief initiatives should follow suit. Mechanisms currently exist for helping middle-income countries with repayment difficulties - the Paris and London Clubs - which allow them to reschedule their debt, often on very concessional terms. Debt reduction would not be the most efficient and effective way of delivering aid resources to tackle poverty in middle-income countries.

Debt relief is an important part of a range of measures through which poverty reduction can be achieved, but is not a panacea. Development assistance in other forms will continue to be essential, to enable countries - both HIPC and other poor countries - pursuing pro-poor policies to reach the International Development Targets. Limited development resources must be used judiciously and fairly. Some very poor countries do not have a debt problem, because they have managed their borrowing wisely.

Genoa and beyond

At the Genoa Summit in July 2001, the G8 leaders reaffirmed their commitment to the HIPC Initiative, and discussed further measures beyond debt relief. In order to achieve the International Development Targets set for 2015, progress will need to be made on healthcare, education and investment generation in the developing world.

On health, the G8 and UN are instituting a Global Fund to combat HIV/AIDS, TB and Malaria in Africa, to which the G8 have pledged US\$1.3 billion. On education, the G8 committed themselves to ensuring that the target of universal primary education by

2015 is given high priority in development programmes, with their ODA being used in support of national strategies. On investment, the G8 leaders called upon the World Bank and other MDBs to support economic reform efforts and private sector development programmes in developing countries, to help them to attract private investment.

The Genoa Summit led to the creation of a Plan For Africa, which will aim to coordinate efforts for poverty reduction in the world's most unsustainably indebted continent. The G8 leaders also committed themselves to work to make the next multilateral Trade Round a Development Round, bringing real development benefits to developing countries, across a wide range of issues.

Where governments are committed to eradicating poverty, debt relief can free up resources for investment in key programmes, and play an important part of our efforts to meet the International Development Targets.

TABLE 1 - DEBT RELIEF AGREED UNDER HIPC INITIATIVE

| | Nominal Debt Relief (US\$m) | Net Present Value (US\$m) |
|---|--------------------------------|------------------------------|
| Benin | 460 | 265 |
| Bolivia | 2,060 | 1,302 |
| Burkina Faso | 700 | 398 |
| Cameroon | 2,000 | 1,260 |
| Chad | 170 | 260 |
| Ethiopia | 2,530 | 1,275 |
| The Gambia | 90 | 67 |
| Guinea | 800 | 545 |
| Guinea Bassau | 790 | 416 |
| Guyana | 1030 | 585 |
| Honduras | 900 | 556 |
| Madagascar | 1,500 | 814 |
| Malawi | 1,000 | 643 |
| Mali | 870 | 523 |
| Mauritania | 1,100 | 622 |
| Mozambique | 4,300 | 1,970 |
| Nicaragua | 4,500 | 3,267 |
| Niger | 900 | 521 |
| Rwanda | 810 | 452 |
| Sao Tome and Principe | 200 | 97 |
| Senegal | 850 | 488 |
| Tanzania | 3,000 | 2,026 |
| Uganda | 1,950 | 1,003 |
| Zambia | 3,820 | 2,499 |
| RELIEF UNDER HIPC | US\$33 BILLION | US\$20BILLION |
| TOTAL RELIEF UNDER COLOGNE PACKAGE | MORE THAN \$US50 BILLION | APPROX US\$34 BILLION |

Source: World Bank

Note: Debt relief provided under the Cologne package is in the form of aid debt cancellation, and traditional debt relief mechanisms of the Paris Club; several creditor governments are providing relief in addition to that agreed internationally.

TABLE 2 - DONOR CONTRIBUTIONS TO THE HIPC TRUST FUND

| Donor | Total US\$ million |
|--------------------------|--------------------|
| Australia | 14 |
| Austria | 42 |
| Belgium | 40 |
| Canada | 114 |
| Denmark | 60 |
| Finland | 38 |
| France | 181 |
| Germany | 226 |
| Greece | 11 |
| Iceland | 2 |
| Ireland | 24 |
| Italy | 153 |
| Japan | 200 |
| Luxembourg | 2 |
| Netherlands | 172 |
| New Zealand | 2 |
| Norway | 80 |
| Portugal | 21 |
| Spain | 124 |
| Sweden | 81 |
| Switzerland | 60 |
| United Kingdom | 306 |
| United States | 600 |
| Total source: World Bank | 2,552 |

Notes

1. Figures are approximate, and show total Contributions/Pledges as of July 5, 2001.
2. Contribution from the European Commission is included in totals for member states.
3. US contribution is subject to Congressional agreement; to date Congress has approved US\$360m.

ANNEX II

Isle of Man

Summary of recent changes made to the Benefits for the Sick and Disabled

Department of Health and Social Security

1. Incapacity Benefit

This is a contributory benefit, which provides an income for people who are unable to work because of an illness or disability, and have paid a specified amount of National Insurance contributions.

Changes were introduced with effect from 9th April 2001 to :

- amend the National Insurance contribution conditions for new claims;
- provide for income from occupational and personal pensions to be taken into account when assessing what amount of Incapacity Benefit (I.B.) people receive;
- extend entitlement to I.B. to long-term incapacitated people who claim while aged 16-19 and who would have, under pre 9th April conditions, received Severe Disablement Allowance.

Prior to 9 April 2001, to qualify for I.B., people had to satisfy two National Insurance contribution conditions:

- first, they must have paid either Class 1 (employed) or Class 2 (self-employed) National Insurance contributions, or a combination of both, on earnings equal to at least 25 times the Lower Earnings Limit (currently £67.00 a week) in any one tax year prior to the benefit claim; and
- second, they must have paid, or been credited with, either Class 1 or Class 2 National Insurance contributions, or a combination of both, equal to at least 50 times the Lower Earnings Limit in each of the two tax years prior to the benefit year in which they claim I.B.. A benefit year begins on the first Sunday in January, the tax year starts on 6th April.

To qualify for benefit from 9th April 2001 claimants, in addition to satisfying the second contribution condition, must actually have paid either Class 1 or Class 2 National Insurance contributions, or a combination of both, on earnings equal to at least 25 times the Lower Earnings Limit in one of the last three tax years before the benefit year to which the claim is made, rather than in any one tax year. The second contribution condition remains unchanged.

I.B. is now reduced by 50 pence for every pound of income above £85 that a claimant has from an occupational or personal pension. I.B. is usually paid only to people of working age. However, where a person under state pension age (60 for women and 65 for men) has an occupational or personal pension, this previously did not affect entitlement to I.B.. In the case of personal pensions, the regulations prevent any notional income being taken into account before the person is aged 60. They also provide for notional income to be assessed on the basis of information supplied by the pension provider, using tables supplied by the Government Actuary's Department. The change has been made because of evidence that the benefit is being used to top up the early retirement income of those with good occupational pensions.

Changes were also made to allow a new category of people to claim I.B. They are those people aged between 16 and 19 (or, in prescribed cases, age 25) who would normally claim and receive Severe Disablement Allowance (S.D.A.). To be entitled to I.B. without having to satisfy the contribution conditions, a person must have become incapable of work before the age of 20 (or 25 in certain circumstances), must satisfy the conditions of residence or presence in the Isle of Man and must not be in full-time education. These people must also have been continuously incapable of work for at least 196 days (28 weeks) before benefit can be paid. This is intended to ensure that the benefit is correctly targeted at long-term incapacity for work.

Once a person has qualified for I.B. under these new rules they may re-claim benefit after the age of 20, following a break in claiming, if the new claim "links" with the previous period of entitlement to I.B.. For claims to link, the break must not exceed eight weeks. For those leaving benefit to commence work the link is extended to 52 weeks. And for those who leave benefit and claim Disability Working Allowance or start a training for work course, the linking period is extended two years.

Abolition of Severe Disablement Allowance

This benefit was a non-contributory, non means-tested benefit, paid to people who cannot work because of illness or disability, and who did not pay sufficient National Insurance contributions to qualify for Incapacity Benefit (I.B.).

Severe Disablement Allowance (S.D.A.) has been abolished with effect from 9 April 2001 for new claims and in future those disabled before age 20 (or 25 in prescribed cases) will access I.B., which is at a higher rate than S.D.A. Those disabled after age 20 and unable to work will continue to be able to access Income Support, subject to their income and capital.

The benefit was abolished because the group, which it was originally intended to help, those disabled from birth or at any age, will receive more benefit by way of the new access to I.B. Those disabled later in life are likely to have paid National Insurance contributions and so qualify for I.B. under current rules. Disabled people on low or no income will be unaffected by the change because they will continue to qualify for income support (which currently takes SDA into account in full as income).

Saving provisions have been made so as to provide that those persons aged 19 or younger on 9th April 2001 who were entitled to S.D.A. immediately before that date shall continue to be treated as if that benefit had not been abolished and they continued to be entitled to it until their entitlement to S.D.A. ends - or until 9th April 2002 if they are still incapacitated then. If they are still incapacitated on 9th April 2002, they will

then become entitled to the more generous I.B. - but without having to satisfy the contribution conditions for that benefit. The saving provisions also enable those persons over age 19 on 9 April 2001 who were entitled to S.D.A. immediately before that date to continue to receive the benefit so long as they satisfy the necessary disability conditions.

Benefit Rates
Sickness & Disability

| | | | | <u>2000/2001</u> | <u>2001/2002</u> |
|--|---|-------------|--|---|------------------|
| | | | | (rates are weekly unless otherwise stated) | |
| | | | | £ | £ |
| INCAPACITY BENEFIT | | | | | |
| Short-term Incapacity Benefit | | | | | |
| over pension age | - | lower rate | | 64.75 | 66.90 |
| | - | higher rate | | 67.50 | 69.75 |
| under pension age | - | lower rate | | 50.90 | 52.60 |
| | - | higher rate | | 60.20 | 62.20 |
| Long-term Incapacity Benefit | | | | | |
| standard rate | | | | 67.50 | 69.75 |
| age addition | - | higher rate | | 14.20 | 14.65 |
| | - | lower rate | | 7.10 | 7.35 |
| INDUSTRIAL INJURIES DISABLEMENT PENSION | | | | | |
| 100% | | | | 109.30 | 112.90 |
| 20% | | | | 21.86 | 22.58 |
| INVALID CARE ALLOWANCE Q.C.A.) | | | | 40.40 | 41.75 |
| SEVERE DISABLEMENT ALLOWANCE (S.D.A.) | | | | | |
| Basic rate | | | | 40.80 | 42.15 |
| Age related additions: | | | | | |
| higher rate | | | | 14.20 | 14.65 |
| middle rate | | | | 9.00 | 9.30 |
| lower rate | | | | 4.50 | 4.65 |

ATTENDANCE ALLOWANCE (A.A.)

| | | |
|-------------|-------|-------|
| higher rate | 53.55 | 55.30 |
| lower rate | 35.80 | 37.00 |

DISABILITY LIVING ALLOWANCE (D.L.A.)

| | | |
|----------------|-------|-------|
| Care Component | | |
| higher rate | 53.55 | 55.30 |
| middle rate | 35.80 | 37.00 |
| lower rate | 14.20 | 14.65 |

Mobility Component

| | | |
|-------------|-------|-------|
| higher rate | 37.40 | 38.65 |
| lower rate | 14.20 | 14.65 |

ANNEX III

Share of total income (%)
Including the self-employed

| Income before housing costs | 1994/5 | 1995/6 | 1996/7 | 1997/8 | 1998/9 | 1999/00 |
|---------------------------------------|--------|--------|--------|--------|--------|---------|
| Bottom 10% of the income distribution | 3 | 3 | 3 | 3 | 3 | 3 |
| Bottom 20% of the income distribution | 8 | 8 | 8 | 8 | 8 | 8 |
| Bottom 30% of the income distribution | 14 | 13 | 13 | 13 | 13 | 13 |
| Bottom 40% of the income distribution | 20 | 20 | 20 | 20 | 19 | 20 |
| Bottom 50% of the income distribution | 28 | 28 | 28 | 27 | 27 | 27 |
| Top 50% of the income distribution | 72 | 72 | 72 | 73 | 73 | 73 |
| Top 40% of the income distribution | 63 | 63 | 63 | 64 | 64 | 64 |
| Top 30% of the income distribution | 53 | 53 | 53 | 53 | 54 | 54 |
| Top 20% of the income distribution | 41 | 41 | 41 | 41 | 42 | 42 |
| Top 10 % of the income distribution | 26 | 26 | 26 | 27 | 27 | 27 |

| Income after housing costs | 1994/5 | 1995/6 | 1996/7 | 1997/8 | 1998/9 | 1999/00 |
|---------------------------------------|--------|--------|--------|--------|--------|---------|
| Bottom 10% of the income distribution | 2 | 2 | 2 | 2 | 2 | 2 |
| Bottom 20% of the income distribution | 6 | 6 | 6 | 6 | 6 | 6 |
| Bottom 30% of the income distribution | 11 | 11 | 11 | 11 | 11 | 11 |
| Bottom 40% of the income distribution | 17 | 18 | 17 | 17 | 17 | 17 |
| Bottom 50% of the income distribution | 25 | 25 | 25 | 25 | 24 | 25 |
| Top 50% of the income distribution | 75 | 75 | 75 | 75 | 76 | 75 |
| Top 40% of the income distribution | 66 | 66 | 66 | 66 | 67 | 67 |
| Top 30% of the income distribution | 55 | 55 | 56 | 56 | 56 | 56 |
| Top 20% of the income distribution | 43 | 43 | 43 | 44 | 44 | 44 |
| Top 10 % of the income distribution | 7 | 27 | 28 | 28 | 29 | 29 |

Share of total income (%)
Excluding the self employed

| Income before housing costs | 1994/5 | 1995/6 | 1996/7 | 1997/8 | 1998/9 | 1999/00 |
|---------------------------------------|--------|--------|--------|--------|--------|---------|
| Bottom 10% of the income distribution | 4 | 4 | 3 | 3 | 3 | 3 |
| Bottom 20% of the income distribution | 8 | 8 | 8 | 8 | 8 | 8 |
| Bottom 30% of the income distribution | 14 | 14 | 14 | 14 | 14 | 14 |
| Bottom 40% of the income distribution | 21 | 21 | 21 | 21 | 20 | 20 |
| Bottom 50% of the income distribution | 29 | 29 | 29 | 28 | 28 | 28 |
| Top 50% of the income distribution | 71 | 71 | 71 | 72 | 72 | 72 |
| Top 40% of the income distribution | 62 | 62 | 62 | 63 | 63 | 63 |
| Top 30% of the income distribution | 51 | 52 | 52 | 52 | 53 | 52 |
| Top 20% of the income distribution | 39 | 39 | 40 | 40 | 41 | 40 |
| Top 10 % of the income distribution | 24 | 24 | 25 | 25 | 26 | 25 |

| Income after housing costs | 1994/5 | 1995/6 | 1996/7 | 1997/8 | 1998/9 | 1999/00 |
|---------------------------------------|--------|--------|--------|--------|--------|---------|
| Bottom 10% of the income distribution | 2 | 2 | 2 | 2 | 2 | 2 |
| Bottom 20% of the income distribution | 7 | 7 | 7 | 6 | 6 | 6 |
| Bottom 30% of the income distribution | 12 | 12 | 12 | 12 | 12 | 12 |
| Bottom 40% of the income distribution | 18 | 18 | 18 | 18 | 18 | 18 |
| Bottom 50% of the income distribution | 26 | 26 | 26 | 26 | 25 | 26 |
| Top 50% of the income distribution | 74 | 74 | 74 | 74 | 75 | 74 |
| Top 40% of the income distribution | 65 | 64 | 65 | 65 | 66 | 65 |
| Top 30% of the income distribution | 54 | 54 | 54 | 54 | 55 | 55 |
| Top 20% of the income distribution | 41 | 41 | 42 | 42 | 43 | 42 |
| Top 10 % of the income distribution | 26 | 26 | 26 | 27 | 27 | 27 |

Notes: 1. These estimates, particularly for the bottom 10%, should be treated with caution as they are sensitive to data of uncertain reliability and to the presence of negative incomes on the AHC measure.
