

UK implementation of the United Nations Convention on the Rights of the Child (CRC): An update to the UK's second report to the UN Committee on the Rights of the Child in 1999

Introduction

1. The United Nations Convention on the Rights of the Child (CRC) came into force in the UK in January 1991. The CRC requires Governments to report to the UN Committee on the Rights of the Child their progress in implementing the Convention two years after ratification and every five years subsequently. The UK's second report was published in 1999 and the Committee is considering it in 2002.

2. The UK Government's 1999 report records clear progress in the UK towards establishing and supporting a greater focus on children's rights and well being. But there have been significant developments in the Government's approach to children since that report was written; and mechanisms are now in place to ensure a more strategic and coherent approach to children's issues across Government. Our aim is to:

- put the interests of children and young people at the heart of Government; and to
- deliver better outcomes in the lives of all children and young people. This is an essential element of the Government's wider efforts to combat social exclusion and to eradicate child poverty.

3. It is too early to report on the outcomes of our new approach and we recognise that we still have much to do. We hope to be in a position to cover outcomes in the next full UK report, due in 2004, and in subsequent full reports. We also do not seek to offer here a comprehensive view of child rights in the UK. That too is the task of future full reports.

4. The purpose of this brief update is to inform the Committee about the new landscape for children early in its consideration of the UK record, and to signal the direction we are taking. In addition, the annex to this paper notes the latest position on the UK's reservations to the CRC and on the Optional Protocols to it.

A new approach for children and young people

5. There is a new approach to children across the UK. Specific measures inevitably and rightly vary between the four countries of the UK: England, Scotland, Wales and Northern Ireland in view of the devolution of policy responsibility on many issues affecting children. But the shared commitment from the Government in Westminster and all the Devolved Administrations remains clear: to deliver better outcomes in the lives of all children and young people and to put the interests of children and young people at the heart of Government. The measures being put in place to meet these commitments deliver, in many cases, clearly and directly against CRC provisions. Paragraphs 33 - 41 set out in more detail how the CRC informs the UK Government approach.

6. Specific mechanisms for achieving these priorities also vary across the UK, but comprise three key elements:

- New structural arrangements to ensure policies and services for children are better co-ordinated and prioritised. In England the Prime Minister established in November 2000 a new Cabinet Committee for children and young people, to ensure a focus on children's interests at the highest levels of Government. He also created the first ever post of Minister for Children and Young People, and a cross-government children's unit¹. Other structural changes to champion children's interests have been made in specific areas, such as services for children in care. The Welsh Assembly Government has established a Cabinet Sub-Committee on Children and Young People to co-ordinate strategies for children and young people at the highest level in the National Assembly. In Northern Ireland, a Children and Young People's Unit (CYPU) within the Office of the First Minister and Deputy First Minister was established in January 2002 to ensure that the rights and needs of children and young people are given a high priority within the Executive. In Scotland the Children and Young People's Group was established in 1999 as part of the then new Scottish Executive Education Department. The emphasis of the work of the Group is on joint working and better integration of policy across the Executive. A Cabinet Sub-Committee for Children's Services, chaired by the First Minister, was established in October 2001 to take forward an integrated approach to children's issues
- A commitment to listen to children and young people, in line with Article 12 of the CRC. Young people have been increasingly involved in developing policies and services across both national and local government over recent years; and new mechanisms are being introduced to ensure more systematic and automatic involvement of children and young people in policies and services that affect them. Further information about this is at paragraph 25 – 32.
- Increasing engagement with experts outside government - everyone stands to gain if the skills and experience of those who work closely with children and who promote their interests are recognised and utilised by Government. Those Government Departments which deal most closely with children's issues have for some time consulted with these partners; non-governmental organisations were involved in the development of the 1999 report; and strongly influenced the establishment of the Children and Young People's Unit. All Government Departments with a lead interest in children welcome secondments from members of the voluntary sector to inform both the direction of Government policy and the perspectives of officials; and many Government Departments also have advisory groups of external partners.

Delivering better outcomes in the lives of all children and young people

7. The UK Government wants to secure real and tangible improvements in the lives of all its children and young people. It is taking this objective forward in a number of ways.

¹ The Cabinet Committee on Children and Young People's Services is chaired by the Chancellor of the Exchequer and comprises Secretaries of State of the key Government Departments which deliver services for children and the Minister for Young People. The Children and Young People's Unit is made up of individuals from many Government Departments, from local government and from the voluntary sector.

Tackling child poverty

8. In March 1999 the Prime Minister made a commitment to halve child poverty by 2010 and eradicate it within a generation, by extending opportunity for all children and ensuring that people's life chances are no longer unfairly determined by their childhood circumstances. The Government's annual anti-poverty report 'Opportunity For All', first published in 1999, includes a range of indicators that cover low income, worklessness, education, health and housing, to inform the long-term eradication target. Most recent data shows, for example, that:

- between 1996/97 and 2000/01 the number of children in Great Britain living in households with low income fell by 500,000 (on a relative measure) and by 1,400,000 (on an absolute measure)
- the proportion of 16-year-olds in England with at least one GCSE increased from 92.3% in 1997 to 94.5% in 2001; and
- the number of children admitted into hospital as a result of unintentional injury and resulting in a hospital stay of longer than 3 days fell from 1.20 per thousand in 1996/97 to 1.02 per thousand in 1999/2000.

9. As the Government makes progress towards the goals it has set itself, it wants to be sure that it is measuring poverty in a way that helps to target effective policies – and enables the Government to be held to account for progress. Following on from important debates among experts in the field on poverty measurement, the Government is considering how these can and should inform its approach to measuring child poverty in the long term. In particular, it has published "Measuring Child Poverty: a consultation document" aimed at promoting debate on how best to build on the existing indicators to measure child poverty in the long term.

10. In December 2001, HM Treasury published a paper called 'Tackling child poverty: giving every child the best possible start in life'. The document analysed the drivers behind child poverty and looked at issues ahead of the Budget and Spending Review 2002.

11. The Government has made substantial investments to reduce child poverty and social exclusion. The proportion of children living in workless households in Great Britain has fallen from 17.9% in Spring 1997 to 15.5% in Spring 2001 - a fall of around 300,000 children living in a household where no-one works. Tax and benefit changes include increased child benefit (25% real terms rise since 1997 for the first child), and the introduction of the Children's Tax Credit and Working Families Tax Credit, and the elements of income-related benefits for children under 11 have increased by 85% in real terms. From April 2003, the new Child Tax Credit will bring together all existing income-related benefits and tax credit support for children into a single source of income, providing financial support to families both in and out of work. This will be paid to the main carer, and will build on the foundation of the universal Child Benefit, with most help for those who need it most.

12. Investments in services for children include real-terms annual growth (to 2004) of over 5½ %, and extra funds have also been made available for locally targeted services such as Sure Start and the Children's Fund². The Government is also committed to improving public service outcomes for those living in the poorest neighbourhoods; floor targets mean that departments have to improve outcomes for

² See paragraph 18 for further information on Sure Start and the Children's Fund.

the poorest, as well as on average. For example, in health, the Government is committed by 2010 to reduce by at least 10% the gap between the fifth of health authority areas with the lowest life expectancy at birth and the population as a whole; and in education, to increase the percentage of pupils obtaining five or more GCSEs at A*-C, with at least 38% of pupils to achieve this standard in every local education authority by 2004. Similar investment has been made in children's services by devolved administrations.

Tackling social exclusion

13. The Government has also made a clear commitment to tackle social exclusion for all ages, including children. The Government's Social Exclusion Unit has produced a number of reports with recommendations on how to improve the life chances of children at risk; of those who truant and who are excluded from school; of those at risk of becoming pregnant or parents as teenagers; and of 13 to 19 year olds who are more likely to become disengaged from education and training.³ The vast majority of these recommendations are now being implemented by Government and systems are in place to monitor their progress.

14. Social inclusion is also a key theme for the Scottish Executive. Milestones have been established for tackling it and are being monitored on an annual basis. The Welsh Assembly Government has established Cymorth, a unified support fund, bringing together the existing programmes of Sure Start, the Children and Youth Partnership Fund, the National Childcare Strategy, the Youth Access Initiative and the Play Grant to provide targeted preventative intervention to improve the life chances of children and young people living in disadvantaged communities. £39m will be provided through this in 2003-04. It is also implementing "Communities First", a programme aimed at tackling social exclusion and poverty in the most deprived areas. Some £55m will be available for regenerating the most deprived communities in Wales in 2002-03 and 2003-04. The programme has a clear focus on supporting young people. New TSN is the Northern Ireland Executive's main policy for tackling social need and social exclusion. It targets efforts and resources towards people, groups and areas in greatest social need; and has a particular focus on tackling unemployment and increasing employability. It addresses other aspects of poverty and inequalities in areas such as health, housing and education and it identifies and tackles factors that can contribute to social exclusion.

Overarching strategies for children and young people

15. All four countries of the UK are developing strategic frameworks for children and young people. In England, the Government published in November 2001 a consultation document on a single, coherent strategy for children and young people against which all Government Departments will be asked to deliver. This will affect all of the 12.5 million children aged 0-19 in England (15 million in the UK). The final strategy, to be published later this year, will aim to embody a shared, collective vision of parents, carers, the voluntary sector, the statutory sector, Government – and children and young people themselves. The strategy proposes to establish indicators to measure success in a range of outcomes covering health and well-being;

³ Consultation Report on Young Runaways (published March 2001)
Bridging the Gap: New opportunities for 16-18 year olds not in education, employment or training (published July 1999)
Teenage Pregnancy (published June 1999)
Truancy and School Exclusion (published May 1989)
A Report of Policy Action Team 12 Young Children (published March 2000).

achievement and enjoyment; participation and citizenship; protection; responsibility; and inclusion. Our intention is that the final strategy will also signal more clearly the read across between the CRC and the outcomes we want for our children and young people. The regular publication of a State of the Nation's Children and Young People will monitor progress against these indicators and will hold the Government to account if this progress is poor.

16. In Scotland an independent Action Team on Better Integrated Children's Services published the report "*For Scotland's Children*" in October 2001. The Cabinet Sub-Committee, chaired by the First Minister, is considering and taking forward action on the recommendations made in the report. All local authorities in Scotland are required to prepare, consult upon and publish Children's Services Plans, covering a 3 year period, which identify and meet the needs of children, encouraging co-operation between local authorities and other providers of services. In Wales, Children and Young People's Partnerships will produce plans in each local authority area, providing a five-year strategic overview of all local service provision and setting direction and context for more detailed planning and development of services. Strategic plans will be based upon seven core aims drawn from the UN Convention on the Rights of the Child. Initial plans should be produced by October 2002. The Northern Ireland Executive will also consult formally this year on a 10 year comprehensive children's strategy, with a view to having it in place in 2003. The strategy will include strategic goals in key areas affecting children and young people; examine the scope for new ways of achieving a more joined-up approach within the Executive to children's issues; and will consider how to give children and young people, their parents and those representing them, the opportunity to put their views to key policy and decision makers.

Better services for all children and young people

17. A key aim of the overarching strategy for children and of much UK Government activity for children is to deliver high quality services for children and young people. The attached document, "Tomorrow's Future", published by the Children and Young People's Unit in March 2001, sets out the substantial range of action that has been taken to strengthen support services targeted at vulnerable children, and mainstream services for all children. The Unit also undertook a baseline study of all expenditure on children and young people informed a cross-cutting review on children being conducted this year (see also paragraph 25). Some of that action is detailed below.

Age-related services

18. 0-4 Year Olds

- **Childcare**: through the National Childcare Strategy, funding a sustained expansion of accessible, affordable and quality childcare provision and expanding childcare nationally - particularly in disadvantaged areas - to create new places for 1.6 million children by 2004 with a more than threefold increase in its budget.
- **Early education**: guaranteeing a free early education place for all children aged 4, with every 3 year old having a guaranteed free place by September 2004; establishing a Foundation Stage to explicitly recognise this period in children's development.
- **Sure Start**: Sure Start will offer support to 400,000 children under 4 and their

families by 2004. As part of the Sure Start programme the Government are committed to providing more antenatal support for parents through up to £60 million of extra investment in support services for mothers and partners from time of conception.

19. **5-13 Year Olds**

- Education standards: the Government has given the highest possible priority to raising standards of achievements in literacy and numeracy for all primary school pupils. The national results of 7 and 11 year olds have risen significantly in recent years. Investment of £192m each year has been committed until 2004 on the national literacy and numeracy strategies. The Government's 2002 targets are for 80% of 11 year olds to meet the English standards for their age and 75% to meet the same for mathematics.
- Children's Fund: This is a £380 million fund over three years, targeted at preventive work for 5-13 year olds. Funding is being rolled out to local partnerships to develop increased and better co-ordinated services for children at risk of social exclusion. It is on course to reach all parts of England by 2003/04.
- The Local Network Fund for Children and Young People: This is a £70m fund over three years that channels money directly to local community groups working to improve the lives of vulnerable children and young people across the age range from 0-19.

20. **13-19 Year Olds**

- Education standards: In 1989, 32.8% of 16 year olds achieved 5 or more GCSEs at grades A-C. This rose to 50% in 2001. In 2001, 33,000 young people left school without a qualification, down from 45,000 in 1997.
- Connexions: By 2003 every young person aged 13 to 19 will have access to the Connexions service, either through a Connexions Personal Adviser, drop-in centre, telephone, or internet-enabled support. Connexions will provide young people with advice, guidance, support and personal development, differentiated according to their individual needs, to help them overcome barriers to participation in learning and work and to help them achieve a successful transition from their teenage years into adult life.
- Teenage Pregnancy: The Government's Teenage Pregnancy Strategy is joining up action nationally and locally to: halve the rate of conceptions among under 18s in England by 2010, with an interim reduction of 15% by 2004; set a firmly established downward trend in the conception rates for under 16s; and increase the participation of teenage parents in education and work. All of the 30 action points set out in the national Strategy have been progressed and almost two thirds implemented and the early signs of the impact of the Strategy are encouraging. Both the under 18 and under 16 conception rates have fallen by over 6% between 1998, the baseline year for the Strategy, and 2000. In addition, the proportion of teenage parents in education, training or work has increased from 16% in 1997 to 29% in 2001.
- Preventing youth crime: Since 1997 tackling youth crime has been a key focus for the Government. The Government is committed to halving the time from arrest to sentence for persistent young offenders, from an average of

142 days in 1996 to 71 days by March 2002, and has achieved this. In October – December 2001 the average time was 68 days. The Government has undertaken a radical overhaul of the whole youth justice system with new interventions and new structures including the Youth Justice Board and new Youth Offending Teams. The Government is also increasing further the efforts it makes to prevent youth offending and antisocial behaviour.

Improving services for vulnerable children:

21. The Government is also working to improve the most vulnerable children's quality of life through a variety of non-age-related policy initiatives to improve the neighbourhoods in which they live, inform the choices they make, and improve their housing, education and health opportunities.

- **Local authority support for children in need:** The Quality Protects Programme began in 1999, and improved outcomes for children in care are already beginning to be delivered including: an increase of 23% in the number of children adopted from care; children in care experiencing fewer moves; more support being given to care leavers; fewer young people inappropriately discharged from care when they reach 16; and more councils demonstrating the positive results of listening to children and young people in their care, through subsequent service improvements.
- **Disabled Children:** From 2001-02 to 2003-04 an additional £60 million has been earmarked for services for disabled children and their families to target: increased provision of family support services, including short-term breaks; better integration of disabled children into mainstream leisure and out-of-school services; and better information for families and the increased availability of key workers and other measures to improve co-ordination.
- **Adoption:** the Government's white paper '*Adoption – a new approach*' builds on the early improvements under Quality Protects, and aims to put the needs of children at the heart of the adoption process. Budget 2001 announced further help with the introduction of adoption leave and pay from 2003, for the same period and at the same flat rate as statutory maternity pay, starting when the child is first placed with the family.
- **Drugs:** In 1997, the Government allocated £63m for spending on drug education and prevention services for young people. The Government has allocated a further £152m over three years on education, prevention and treatment services which will contribute towards implementing a fully-integrated approach to drugs services, incorporated within existing children's services.
- **Mental Health:** The Government is investing an additional £5m each year in local authority Child and Adolescent Mental Health Services (CAMHS) for the 3 years to 2002-03. By May 2001, all local authorities were required to have an agreed CAMHS Development Strategy which sets out how they will meet local and national priorities, including 24 hour cover and outreach services and improved early intervention and prevention programmes. The 24 CAMHS Innovation Projects that began in 1998, and were designed to develop and stimulate good, innovative partnerships between health and social care, are being evaluated and monitored.

Health inequalities

22. The Government is committed to tackling health inequalities. Since 1997, it has made considerable progress towards both these aims through a range of measures, including:

- The Healthy Schools Programme, which aims to make schools a healthy environment for children.
- The Health Visitor and School Nurse Development Programme, which involves new ways of working towards a family-centred public health role for health visitors and school nurses.
- The National School Fruit Scheme, will entitle every 4-6 year old in state infant school with free fruit every day.
- The Welfare Foods Scheme, which is working to ensure that vulnerable children have access to a healthy diet, and to promote increased support for breast feeding and parenting.
- Health Action Zones, which adopt a holistic approach to tackling health inequalities. A number of the Zones focus strongly on the needs of young people.
- The NHS Plan (July 2000) Tackling health inequalities is recognised in the NHS Plan as a key component supporting the modernisation and reform of the NHS. For the first time ever, local targets for reducing health inequalities will be reinforced by the creation of national health inequalities targets. These were announced in February 2001 in the areas of life expectancy and infant mortality. The Government has conducted a cross-cutting Spending Review on health inequalities enabling the whole Government to focus on health inequalities and establish priority areas for action that will deliver the targets. In addition the Government completed a public consultation in Autumn 2001 on the actions needed to tackle health inequalities and meet the targets. A delivery plan will be published in 2002.
- In Autumn 2000, the Children Taskforce was set up to drive forward implementation of all aspects of the NHS Plan as they relate to children, ensuring that reforms take account of the particular requirement of children of all ages and their families and carers.

23. Other services which support vulnerable children include those focusing on:

Sport, culture and play

- The Prime Minister announced in January 2001 an entitlement for children to a minimum of two hours, high quality, school sport and physical education per week, through the appointment of 1,000 new specialist sports co-ordinators by 2004. There is also a range of other initiatives to improve arts and sports provision in the community and which offer particular support to deprived areas.

Diversity

- Many children from ethnic minority communities have benefited from the recent rise in school standards but there is still an attainment gap which must be closed. To better reflect the diversity of pupil's backgrounds and

communities, the Government is working to: bring Muslim and Sikh schools inside the state system for the first time and increase the number of Jewish schools; continue to tackle inequalities of attainment through the Ethnic Minority Achievement Grant, which is now worth over £150m a year and through the Traveller Achievement Grant.

Children with Special Needs

- The Special Educational Needs and Disability Act places a statutory requirement on schools and colleges to ensure that pupils with disabilities and special needs are treated no less favourably than their peers.

24. The Government's next spending review will build further on these actions by continuing to focus on services for children and young people at risk, and on promoting approaches to prevent children falling into risk. The spending review will be informed by a cross cutting review of expenditure priorities for children at risk being conducted by CYPUP in 2002.

Putting the interests of children and young people at the heart of Government

25. The Government recognises that it is essential to ensure that its approach is children and young people centred and that therefore their voices must be heard at the heart of Government. It has made a commitment to listen and learn from children and young people themselves and to engage with partners outside Government who know and work closely with children. It has also put in place formal structures to ensure children and young people have advocates at every level within Government and so that there is a co-ordinated approach to tackling children's issues.

26. The best services for children and young people have for some time been actively engaging with them and their families so that policies and services are designed around their individual needs. The Quality Protects Programme for improving the life chances of children in public care pioneered the involvement of children and young people in its design. The new Connexions personal adviser service for 13 to 19s has been developed in full consultation with young people. The Department for Education and Skills has consulted young people on its recent White Papers on transforming Secondary Education and on education and training for 14-19 year olds.

27. The Core Principles (see paragraph 28 below) complement the standards for children and young people's participation in local democracy set out in the National Youth Agency/Local Government Association *Hear By Right* campaign. At a regional level, the CYPUP and the Regional Co-ordination Unit will ensure that the Core Principles will be implemented across Government Offices in the regions.

28. The Children and Young People's Unit is taking action to make this kind of good practice the norm. In November 2001 it launched Core Principles for Involving Young People in Government. The Government has agreed to follow clear principles for engaging effectively with children and young people and the Departments responsible directly for policies and services for children and young people in England will produce annually reviewed action plans so their progress can be monitored and challenged against consistent standards. The Children and Young People's Unit will report on progress on an annual basis, to ensure a process of continuous improvement across Government. A report for young people on action being taken by Government, will be available in the Summer.

29. The action plans are the beginning of a process: while some departments used to working with young people already have in place a number of schemes involving children and young people, this is a radical way of thinking for others. What is important at this stage is the intent. In addition some departments are in the front-line of service delivery, while others are not, and action plans will be proportionate and relevant to the business of that department. Nevertheless, there is already an impressive range of activity, in addition to that set out in paragraph 26:

- With voluntary sector partners, the Department of Health has created Listening and Responding Teams who were involved in 19 local authority inspections. The teams helped the Social Services Inspectorate find out what children and young people think about the services they receive from Social Services Departments.
- The Lord Chancellor's Department has a Judges and Schools programme which organises visits both to and from schools, helping all children and young people understand the court system before they come into contact with the courts (as witnesses or victims or perpetrators of crime, or through civil law proceedings).
- Children and young people have also met directly with Ministers. For example last year a group of young people met with Environment Minister Michael Meacher to feed their views into the draft stages of the Rural White Paper.

30. The Unit has also established a Youth Advisory Forum which informs its work and supports the Minister for Young People. The Forum currently has 25 members aged between 11-18 years who reflect a good cross section of children and young people from urban, rural and coastal areas across England and a good mix of gender, ethnicity and age.

31. The Welsh Assembly Government's arrangements for developing participation include supporting:

- at national level, the development of *Llais Ifanc/Young Voice* as a representative body for the whole of Wales. *Llais Ifanc* members have been organising consultations with young people over Assembly policy for two years now and played an active part in the development of major policy initiatives.
- the development of children and young people's forums in the 22 local authorities in Wales to enable them to be heard in local decision making.
- proposals for school councils in every primary and secondary school in Wales.

32. In Northern Ireland, children have been consulted on proposals for a Commissioner for Children and Young People. A group of young people designed children and young person friendly versions of the consultation paper; and the NI Pre-School Playgroups Association designed a version for use with early years children. Responses came in a variety of formats including sculpture, video, artwork and written comments and have helped inform policy development in relation to both the Commissioner and the children's strategy. This initial consultation will be built upon as work on the children's strategy is taken forward. A Children and Young People's Advisory Forum is being established; and mechanisms to include young

people in the appointments process for the Commissioner are being considered.

How the CRC informs the Government approach to children and young people

Government approach

33. The Government's agenda for children is being constructed to support national priorities and in view of specific and detailed local circumstances. It is also being constructed in close consultation with children.

34. Within this context, the Government fully recognises its obligations under the CRC and is committed to ensuring that it complies with them. Many of the measures described in paragraphs 7 - 32 above deliver against the CRC; and the CRC has informed their design and delivery. Article 12 inspires the Government's commitment to empower children to inform the development of those services by giving them accessible information at the right time, by enabling real participation in decision-making and by supporting them in getting their voices heard more widely.

35. In Wales, a Children's Commissioner has been in post since March 2001, with the principal aim of safeguarding and promoting children's rights and welfare. His wide-ranging statutory remit covers all children and young people in Wales. The Commissioner is an independent appointment, and the National Assembly for Wales has no powers to influence his actions.

36. In Scotland, the Minister for Children and Education asked the Education, Culture and Sport Committee of the Scottish Parliament in January 2000 to consider the case for a Children's Commissioner. The Committee published the Report of their Inquiry on 14 February recommending the establishment of a Commissioner for Children and Young People. Ministers have accepted that there is a good case in principle for the establishment of a Commissioner for Children and Young People. The Committee plan to publish a Second Report which will further detail the role, remit and powers of a Commissioner and the Executive looks forward to considering and commenting upon those more detailed proposals in due course. Ministers will then be in a position to take a firm view on the role, remit and powers of a Commissioner and the timing of any associated legislation.

37. In Northern Ireland, following widespread consultation on proposals for a Commissioner for Children and Young People, work is well advanced on the drafting of a Bill. It is intended that the principal aim of the Commissioner will be to safeguard and promote the rights and best interests of children and young people. It is planned to introduce the Bill into the Assembly in June; the timing of the appointment itself will depend on the progress of the Bill through its Assembly. The Human Rights Commission in Northern Ireland has indicated that it includes the Convention on the Rights of the Child in its remit, and is committed to promoting and protecting children's rights.

38. In England, the Children and Young People's Unit has responsibility for ensuring that children's welfare and rights are taken into account in all Government policy and that their views are represented at all levels of Government. Key amongst safeguards particular to England are the Children's Rights Director (CRD) for children in care, and the National Clinical Director for Children. The CRD was appointed in 2001 as one of fifteen Directors in the new, independent National Care Standards Commission. His remit covers children who are in receipt of its services, including their rights and complaints, and monitoring and reviewing services provided. The

National Clinical Director for Children was also appointed in 2001, and has been given the task of ensuring that all health and social care services are responsive to the needs of the children who use these services. His priority is to spearhead the faster development of the first-ever national standards for children's health services. The Ombudsmen system is under reform, with the aim of making sure that children can access advocacy and complaints services more easily.

39. The Government recognises, however, that there is scope for it to embed more firmly the principles of the CRC in its developing work on children and young people. A first step towards achieving this goal will be in the publication of the overarching strategy for children and young people.

40. Action has already been taken to publicise and disseminate the CRC. The 1999 Report was published and the Executive Summary was made available on the Department of Health website. The full document was circulated to a range of interested parties including NGOs. In addition, many schools include teaching about the CRC in their citizenship education programme, based on material provided by the Department for Education and Skills. Citizenship Education will become a compulsory subject for secondary schools in England from September 2002, and schools may select areas from within the broad framework, including the CRC and the domestic Human Rights Act, which are offered as a starting point and inspiration for teachers to organise whole school activities to celebrate human rights. In Wales, there is provision for schools to deliver civics and citizenship education as part of the community aspect of the Personal and Social Education Framework. The Framework is currently non-statutory but this is being reviewed by the Welsh Assembly Government. Citizenship is currently being piloted within schools in Northern Ireland with the intention of it being introduced as a statutory component of the revised curriculum, which is due to be phased in from September 2004. CRC may also be covered in citizenship education in Scotland where it is regarded as a cross-circular issue. Learning and Teaching Scotland have produced a paper on education for citizenship for discussion and development which is due to be launched on 7th June. This will be followed by the production of support material in due course.

41. However, this is also an area where we recognize we can do more. The Children and Young People's Unit will publicise the CRC on its new website (which gives users the option to enter the 'corporate' website or the children & young people's website). The website is part of the CYPUs integrated communications strategy which seeks to obtain a greater media profile for all key issues concerning children and young people while working closely with children and young people themselves, NGOs and others with an influence on and/or interest in the issues. The CYPUs website will be linked to the Government Youth Portal which is due to go live by the end of the year and will be publicised in all schools.

Conclusion

42. This paper has set out some of the key changes in the Government's approach to children since 1999. We hope that the Committee finds it and the accompanying document "Tomorrow's Future" helpful. We look forward to providing a more comprehensive picture of the UK position in 2004.

Optional Protocols and reservations to the CRC

Optional protocols

Young people in the armed services

The UK is committed to implementing the Optional Protocol to the CRC on the involvement of children in armed conflict. The UK signed the Optional Protocol in September 2000, and takes great care in the deployment of under 18s so as to prevent their direct involvement in hostilities. However, before we ratify we must be satisfied that we have in place the soon to be finalised detailed procedures and administrative guidelines for the Armed Forces which will give concrete form to the commitment, as clarified by the declaration made on signing, to prevent the direct involvement of under 18s in hostilities.

The sale of children, child prostitution and pornography

The UK Government strongly supports the aim of the Optional Protocol to strengthen the protection offered by Article 34 of the Convention on the Rights of the Child. We signed the Optional Protocol in September 2000 and aim to ratify soon. There is no question about the UK commitment to the spirit of the Protocol, but it has emerged that there are a number of complicated issues that need to be resolved before ratification, and work on this is underway. These issues include the criminal law on sex offences in the United Kingdom, since prostitution is not currently an illegal activity in the UK, nor is buying sex from a prostitute who has attained the age of sexual consent. The law is therefore in conflict with language in the Protocol, which requires the criminalisation of buying sex from a child (anyone under the age of 18).

Reservations

On ratification of the Convention, the United Kingdom entered a number of reservations. These have now been lifted, with two exceptions.

Immigration and citizenship

The Government has carefully reviewed the reservation in respect of Article 22 of the Convention, which deals with immigration and nationality, in the light of recent requests that it should be withdrawn. It has concluded that it should be retained. The Government believes the reservation remains necessary in order to maintain an effective immigration control. The UK Government supports the CRC in principle and does not take the view that the Reservation prevents children's best interests from being taken into account in practice. Refugee and asylum-seeking children are still entitled to the protections of the Refugee Convention, and all children in the UK are covered by the European Convention on Human Rights.

Children who fall within the Reservation are also provided with basic education and healthcare, and will often qualify for maintenance and accommodation from the state. In some cases (such as those of unaccompanied children) local authorities will assume responsibility for the child's welfare, and social services may also be provided. The level of support for children here as part of an asylum seeking family is identical to that provided for children in families on income support. The Children (Leaving Care) Act 2000 came into force on 1st October 2001. It imposes new duties

on local authorities, in place of their present powers, to support children leaving care (including asylum seekers) until they are at least 18 and to assist them until they are at least 21.

It is clear from the notes of the CRC drafting group that the Convention was not intended to confer any new rights in relation to immigration. The Committee will wish to note, however, that the Government has proposed new measures to address some specific and practical issues relating to children and to ensure that the immigration and nationality service is more child centred. A White Paper published in February 2002 proposes:

- I. The phasing out of the voucher system, to be replaced with cash payments
- II. That immigration staff will be able to interview children about their asylum claims in a wider set of circumstances than at present. This will give officials a greater understanding of children's background and circumstances and help them better determine appropriate levels of care
- III. More support for local authorities, by improving information exchange, communications, partnership working and models of best practice in the care of unaccompanied minors.

Children in detention

The Government is not yet in a position to withdraw the reservation about the position of children in adult offender institutions; however progress has been made to improve the custodial arrangements for young people, and to provide for their separation from older prisoners wherever possible.

In England and Wales, in the overwhelming majority (more than 95%) of cases, juveniles are separated from older offenders.

The issue is more difficult for young women. Because numbers are low - they account for less than 5% of the juvenile population in custody – there are practical problems providing separate accommodation within reasonable distance from home that can also offer access to appropriate educational and other facilities. Maintenance of family ties has been shown to be a key factor in preventing reoffending on release. In practice, this means some juveniles will be held with 18 to 20 year olds.

There also remain at any one time a handful of individual young men and women who have to be near to courts and their solicitors during trials for further offences in areas without suitable juvenile accommodation. Although held in what are statutorily adult prisons they do not normally mix with adults unless they require access to specialist programmes or have a security classification that dictates where they are held (there is currently only one of the entire juvenile population who falls into this category).

For these reasons, the Government is not yet able to set a date for completely ending the use of adult prisons for juveniles. The number of places within juvenile establishments is being expanded under an investment programme that started in 2002, but it will take several years to develop each establishment. It will remain likely that some older and top security juveniles will still be unsuitable for those local establishments, such as local authority secure units, that cater for younger and more vulnerable children in custody.

In Scotland the position depends on the age of the child. Those aged under 21 and over 16 are classed as young offenders. On sentence they must, by law, be held in a Young Offenders Institution. Prior to sentence they may be held in an adult prison, but would normally be located in accommodation units separate from, and would not associate with, adult convicted prisoners. The proposed Criminal Justice (Scotland) Bill makes provision for such persons to be held in a Young Offenders Institution prior to sentence as this is considered a more appropriate setting for such individuals.

Children (generally those under 16 but including 16 and 17 year olds in certain circumstances) who have been sentenced to detention are normally held in secure accommodation within a residential school, usually provided by a local authority. Where, in exceptional circumstances, a child is considered unsuitable for such accommodation they may be held in a penal establishment. Such incidences are rare. Similarly, where a child is remanded in custody they are generally held in secure accommodation unless, and in exceptional circumstances, the court has certified that the child is to be held within the penal system. Again, there are provisions in the Criminal Justice Bill which, if enacted, will allow such persons to be detained in a Young Offenders Institution.

Child Labour

As the 1999 report made clear, the UK has now removed its reservation on Article 32 of the CRC. In 2000, the UK also ratified the ILO (Minimum Age) Convention 138 and ILO Convention 182 (Abolition of the Worst Forms of Child Labour). These conventions came into force in the UK in 2001.

16 and 17 year olds are exempted from the minimum wage because the Government believes that their priority should be to concentrate on their education and to acquire the skills they need to progress. The Government does not wish to see a situation where young people are encouraged to leave education early by the prospect of earning a certain guaranteed level of wages. The Government agrees with the recommendations of the independent Low Pay Commission that people below the age of 18 should not be regarded as full-time participants in the labour market but should be concentrating on their education, and thus should be exempt from the National Minimum Wage.