

**ADVANCE UNEDITED VERSION**

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**Committee on the Rights of the Child****List of issues prior to submission of the combined sixth and seventh reports of United Kingdom of Great Britain and Northern Ireland\***

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2022. The replies should take into consideration the Committee's recommendations contained in its concluding observations (CRC/C/GBR/CO/5) adopted in 2016. The Committee may take up all aspects of children's rights set out in the Convention and its Optional Protocols during the dialogue with the State party.
2. Where not otherwise stated, the responses to the questions in each part of the present list of issues should include information in respect of England, Wales, Scotland and Northern Ireland, as well as in respect of the overseas territories and Crown dependencies, as relevant.

**I. New developments**

3. The Committee requests the State party to provide:
  - (a) Information on the adoption or reform of laws, policies and programmes, and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography;
  - (b) Information on measures taken to ensure the protection of the rights of children in the context of the coronavirus disease (COVID-19) pandemic and to mitigate the adverse impacts of the pandemic, in view of the statement of the Committee of 8 April 2020 on the effects of the COVID-19 pandemic on children;
  - (c) Information on measures taken to ensure that the State party's withdrawal from the European Union, as well as the loss of related funding, do not have an adverse impact on children's rights, and in ensuring that the principle of the best interests of the child is reflected in all legislative and policy matters and judicial decisions affecting children;
  - (d) Any other information that the State party considers relevant and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.
4. The Committee requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation, monitoring and evaluation of measures for achieving the Sustainable Development Goals, including with regard to child

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\* Adopted by the pre-sessional working group on 12 February 2021.



participation and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

## **II. Rights under the Convention and the Optional Protocols**

### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

#### **Reservations and legislation**

5. Please explain the measures taken to:

(a) Withdraw the reservations of relevant overseas territories and Crown dependencies to articles 22, 32 and 37 (c) of the Convention;

(b) Bring its domestic legislation in line with the Convention and ensure that the principles and provisions of the Convention and the Optional Protocols are directly applicable and justiciable under domestic law, particularly in England, Northern Ireland and the overseas territories and Crown dependencies;

(c) Establish a child rights impact assessment procedure for all legislation and policies affecting children, particularly in England and Northern Ireland, including in response to the COVID-19 pandemic;

(d) Assess proposals to revise the Human Rights Act from a child rights perspective;

(e) Enact a bill of rights for Northern Ireland.

#### **Comprehensive policy, strategy and coordination**

6. Please provide information on:

(a) Ensuring comprehensive implementation of the Convention across all areas of government, in the absence of an updated State-wide strategy and corresponding action plans in England, Wales and Northern Ireland;

(b) Mechanisms for monitoring and evaluating the implementation and impact of policies and programmes for children's rights, including the 2009 *Working Together, Achieving More* strategy;

(c) Establishing statutory bodies at interministerial levels in devolved administrations, overseas territories and Crown dependencies to effectively coordinate the implementation of the Convention.

#### **Allocation of resources**

7. Please describe the measures taken to:

(a) Incorporate a child rights-based approach into the State budgeting process, including by implementing a tracking system for the allocation and use of resources for children and assessing how investments in all sectors serve the best interests of children;

(b) Ensure a transparent and participatory budgeting process by involving children and enhancing accountability in public procurement processes, including in times of emergency;

(c) Ensure that children, including those in vulnerable situations, are not affected by austerity measures or regressive measures taken in response to the COVID-19 pandemic and the potential consequences of the economic crisis triggered by those measures.

#### **Data collection**

8. Please update the Committee on efforts to improve the collection and quality of disaggregated data for all areas of the Convention, including on violence, children in

alternative care, children with disabilities, mental health, food insecurity, malnutrition, education, and asylum-seeking and migrant children.

#### **Dissemination and awareness-raising**

9. Please provide information on awareness-raising programmes for children and the training of relevant professional groups on the Convention.

#### **International cooperation**

10. In view of the expiration of the UK Aid strategy, please explain the measures taken to ensure that the State party's policies for international development cooperation advance children's rights, including with regard to education.

#### **Children's rights and the business sector**

11. Please describe the measures taken to:

(a) Require businesses to undertake child-rights due diligence, including with respect to the environment;

(b) Establish a regulatory framework for the business sector, including in the context of public procurement, to ensure that their activities domestically and abroad do not adversely impact children's rights.

### **B. Definition of the child (art. 1)**

12. Please explain the measures taken to raise the minimum age of marriage to 18 years, without exception, across all devolved administrations, overseas territories and Crown dependencies.

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

#### **Non-discrimination**

13. Please describe the measures taken to:

(a) Protect all children under 18 years against discrimination on the grounds of their age, and address general negative public attitude towards children, especially adolescents;

(b) Conduct an independent review of the 2011 Prevent Strategy and ensure that counter-terrorism and counter-extremism measures do not have a discriminatory, racial or stigmatizing impact on any group of children;

(c) Eliminate discrimination with regard to health, education, alternative care, and child justice, against children living in poverty, Roma, gypsy and traveller children, children belonging to ethnic minority groups, children with disabilities, children in alternative care, asylum-seeking, refugee and migrant children, and LGBTI children;

(d) Monitor, receive and address complaints of discrimination against children.

#### **Right to life, survival and development**

14. Please describe the measures taken to:

(a) Address underlying determinants of infant and child mortality, including social and economic deprivation and inequality;

(b) Establish mechanisms for review of unexpected death or serious injury involving children, including in custody, care and mental healthcare institutions;

(c) Address the high rate of avoidable child deaths.

**Respect for the views of the child**

15. Please describe the measures taken to:

(a) Ensure the right of the child to be heard, with adequate support, and that children’s views and opinions are given due consideration in decisions affecting her or him in relevant legal and administrative proceedings, including those concerning domestic violence, custody, placement in alternative care, mental health treatment, education, migration and asylum;

(b) Promote the meaningful participation of children, including younger children and children with disabilities, within the family, the community, school and the realm of local and national policymaking and decision-making affecting children, including on climate change;

(c) Assess the impact of reforms on legal aid in all devolved administrations and overseas territories to ensure that such reforms do not negatively affect children’s access to justice.

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

**Birth registration and nationality**

16. Please describe the measures taken to:

(a) Ensure that all children born in the State party, including children born in the overseas territories and irrespective of residency status, have access to citizenship;

(b) Ensure that the best interests of the child are a primary consideration in all proceedings related to deprivation of nationality, and that citizens are not deprived of their citizenship as a result of their alleged actions committed as children.

**Freedom of expression, religion, association and peaceful assembly**

17. Please describe the measures taken to:

(a) Repeal legal provisions for compulsory attendance at collective worship in publicly funded schools and ensure that children can independently exercise the right to withdraw from religious observance at school;

(b) Ensure that counter-terrorism measures, including the Prevent Strategy, do not undermine children’s rights to freedom of expression, thought, conscience and religion;

(c) Guarantee children’s right to freedom of movement and peaceful assembly, including by prohibiting the use of acoustic devices to disperse public gatherings of young people (so-called “mosquito devices”).

**Right to privacy**

18. Please describe the measures taken to:

(a) Prohibit the use of non-statutory stop-and-search checks against children and ensure that their statutory use is proportionate and non-discriminatory, including by implementing the best use of the stop and search scheme and providing safeguards on “no suspicion” stop-and-search checks;

(b) Ensure that online learning does not infringe children’s right to privacy.

**Access to appropriate information**

19. Please describe the measures taken to:

(a) Promote the equitable access of children, including in the overseas territories, to online services and connectivity;

(b) Introduce Online Harms legislation and ensure its implementation;

(c) Enhance the digital literacy and skills of children, teachers and families, and protect children from information and material harmful to their well-being.

## **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Torture and other cruel or degrading treatment or punishment**

20. Please describe the measures taken to:

(a) Prohibit the use of electrical discharge weapons, such as Tasers, attenuating energy projectiles, spit hoods and other harmful devices, on children, in particular on children belonging to ethnic minority groups;

(b) Ban all pain-inducing techniques and methods of seclusion against children for disciplinary purposes in schools and in institutional settings;

(c) Address the disproportionate use of restraint against children with disabilities in schools and institutional settings.

### **Corporal punishment**

21. Please describe the measures taken or envisaged to:

(a) Prohibit corporal punishment in all settings, including at home and in schools, across all devolved administrations, overseas territories and Crown dependencies;

(b) Repeal legal defences of “reasonable punishment” in England and Northern Ireland;

(c) Promote positive and non-violent forms of discipline among teachers, staff of childcare facilities, parents and caregivers.

### **Freedom of the child from all forms of violence**

22. Please describe the measures taken to:

(a) Address the high prevalence of domestic violence, gender-based violence and sexual exploitation and abuse against children;

(b) Strengthen the capacity of relevant professionals, including social workers, law enforcement authorities and the judiciary, to address violence, including sexual exploitation and abuse, against children;

(c) Ensure mandatory reporting and prosecution of all cases of violence, including sexual offences, against children;

(d) Ensure child-friendly and multisectoral intervention in cases of child abuse avoiding re-victimisation and providing comprehensive support, including psychological recovery;

(e) Protect child victims and witnesses of violence and sexual abuse throughout legal proceedings, by ensuring that video-recorded interviews are conducted without undue delay and allowed as evidence-in-chief in court, that their views are given due weight and that they receive legal representation, compensation for damages and support from a *Barnahus* or similar child-centred model for children affected by sexual abuse;

(f) Tackle cyberbullying, online sexual exploitation and abuse, gang-related violence and knife crime against children;

(g) Protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities;

(h) Prevent the recruitment of children as informants for law enforcement and intelligence bodies.

### **Harmful practices**

23. Please describe the measures taken to:
- (a) Prevent, investigate and prosecute cases of female genital mutilation, forced marriage, virginity testing and violence committed in the name of honour, and ensure that child victims have access to appropriate remedies;
  - (b) Prevent the unnecessary medical or surgical treatment of intersex children and provide adequate counselling and access to remedies for children subjected to such treatment.

## **E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

### **Family environment**

24. Please describe the measures taken to:
- (a) Allocate sufficient resources for childcare and family support to ensure that childcare services are available to all those who need it, regardless of parents' employment status;
  - (b) Support families to ensure that both parents share the responsibilities for the upbringing and development of their children, including by encouraging the use of shared parental leave.

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

25. Please explain the measures taken to:
- (a) Ensure the provision of preventive services, such as social protection measures for families, to prevent children from entering alternative care;
  - (b) Prevent the arbitrary removal of children from their families;
  - (c) Prevent the placement of children in unregulated alternative care or residential care homes without appropriate safeguards, and ensure that they have access to an independent complaint mechanism;
  - (d) Provide stability for children in care, including by retaining social workers to avoid unnecessary changes in placements, finding placements for children that facilitate contact with their biological parents and siblings, and providing specialist care to children with complex social care and mental health needs;
  - (e) Support children leaving care;
  - (f) Introduce the Adoption and Children Bill and the Strategy for Looked After Children in Northern Ireland;
  - (g) Conduct a Care Review in England and reform the 1983 Mental Health Act with regard to safeguards for children in care.

## **F. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

26. Please describe the measures taken to:
- (a) Eliminate inequalities in health outcomes and in access to high-quality health services for children in disadvantaged situations;
  - (b) Address malnutrition, overweight and obesity among children, and assess the effectiveness of policies and programmes on child food security and nutrition;
  - (c) Raise awareness on the importance of breastfeeding and implement the International Code of Marketing of Breast-milk Substitutes;

- (d) Ensure girls' access to safe abortion and post-abortion care services in Northern Ireland;
- (e) Address the high incidence of mental illness and self-harm, and the causes thereof, in particular among girls, children with disabilities and LGBTI children;
- (f) Ensure that children with mental health conditions have prompt access to mental health services;
- (g) Develop therapeutic community-based services for children with mental health conditions;
- (h) Review the current legislation to prevent its disproportionate placement of children with mental health needs in adult psychiatric wards or police stations and ensure that the best interests and views of the child are taken into account in their mental health treatment;
- (i) Monitor the diagnoses of attention deficit/hyperactivity disorders among children, undertake a study on their root causes, and assess the possible over prescription of psychotropic drugs in particular for young children;
- (j) Reduce air pollution, and inform the population about the effect of pollution on children's health and about remedial measures.

### **Standard of living**

27. Please describe the measures taken to:

- (a) Address the increasing child poverty rate;
- (b) Assess the impact of recent social security and tax credit reforms on children, including children with disabilities and children belonging to ethnic minority groups, and revise these reforms in order to fully respect children's right to have their best interests taken as a primary consideration;
- (c) Reduce homelessness and guarantee children's access to adequate housing;
- (d) Prohibit the prolonged placement of children in temporary accommodation in Northern Ireland.

### **Impact of climate change on the rights of the child**

28. Please describe the measures taken to:

- (a) Reduce greenhouse gas emissions and implement the State party's net zero emission law;
- (b) Ensure that children's needs and views are taken into account in developing policies and programmes addressing climate change and disaster risk management.

## **G. Education, leisure and cultural activities (arts. 28–31)**

### **Education**

29. Please explain the measures taken to:

- (a) Ensure equal access to quality education, including by mitigating the disproportionate impact of COVID-19, and improve attainment rates and educational outcomes for children in disadvantaged situations, including children living in poverty, children belonging to ethnic minority groups, traveller children, children in alternative care, asylum-seeking and migrant children, children with special educational needs and children with disabilities;
- (b) Monitor and address the persistent use of exclusions, in particular on children in disadvantaged situations; implement the recommendations of the Timpson Review of School Exclusion; and guarantee children the right to appeal against their exclusion and to legal aid and legal representation;

- (c) Improve wellbeing and address bullying in schools, including against children with disabilities, minority children and LGBT children;
- (d) Ensure the allocation of sufficient human, technical and financial resources for the development and expansion of early childhood care and education;
- (e) Ensure that mandatory sexual and reproductive health education includes material on sexual orientation and gender identity;
- (f) Integrate human rights education into mandatory school curricula and teacher training programmes;
- (g) Ensure that children with disabilities have access to and benefit from inclusive education, including by making mainstream schools fully accessible.

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking, refugee and migrant children**

30. Please describe the measures taken or envisaged to:

- (a) Assess the impact of the 2016 Immigration Act, including the “deport first, appeal later” scheme, and asylum policy on children’s rights and family reunification, in view of the State party’s withdrawal from the European Union Dublin III Regulation;
- (b) Expedite the processing of asylum applications and ensure that all asylum-seeking children are provided with child-friendly services and access to health care and education;
- (c) Establish statutory independent guardians for all unaccompanied and separated children in England and Wales;
- (d) Prevent the indefinite detention of asylum-seeking and migrant children;
- (e) Ensure multidisciplinary and transparent procedures for age assessments that are in line with international standards, including by prohibiting visual age assessments.

### **Administration of child justice**

31. Please explain the measures taken or envisaged, across all devolved administrations, overseas territories and Crown dependencies, to:

- (a) Raise the age of criminal responsibility to at least 14 years;
- (b) Ensure the application of the child justice system to all children, in particular that children are not detained with adults and that it extends protection to children who were below the age of 18 at the time of the offence but who turned 18 during the trial or sentencing process;
- (c) Abolish life imprisonment for children for offences committed while they were under the age of 18 and ensure that imprisonment is used only as a measure of last resort and for the shortest possible period;
- (d) Ensure and support the right of children accused of crimes to effective legal representation and participation throughout the child justice process;
- (e) Address the large number of children in pretrial detention and the disproportionate representation of children belonging to ethnic minority groups in custody, such as by implementing the recommendations of the Lammy Review;
- (f) Prohibit the use of solitary confinement of children and abolish the use of segregation and isolation in child detention facilities;
- (g) Ensure that children in detention have access to education and health services, including mental health services;



(h) Investigate cases of violence, including sexual abuse, reported by children in the child justice system, in view of the 2019 report of the independent inquiry on sexual abuse of children in custodial institutions in England and Wales.

### **I. Optional Protocol on the sale of children, child prostitution and child pornography**

32. Please describe the measures taken to implement its previous recommendations (CRC/C/GBR/CO/5, para. 83) in which the Committee also made reference to its more detailed recommendations on the initial report submitted by the State party under the Optional Protocol (CRC/C/OPSC/GBR/CO/1), including efforts to:

(a) Revise its legislation to ensure that all children under 18 years are protected from all types of offences covered by the Optional Protocol;

(b) Strengthen the National Referral Mechanism for identifying child victims of trafficking and exploitation, which is embedded in existing child protection procedures;

(c) Protect the rights of child victims of offences covered by the Optional Protocol by establishing a clear obligation of non-prosecution, ensuring that they are treated as victims rather than criminals by law enforcement and judicial authorities, and establishing Independent Child Trafficking Guardians in all devolved administrations.

### **J. Optional Protocol on the involvement of children in armed conflict**

33. Please describe the measures taken to implement its previous recommendations (CRC/C/GBR/CO/5, para. 85) in which the Committee also made reference to its more detailed recommendations on the initial report submitted by the State party under the Optional Protocol (CRC/C/OPAC/GBR/CO/1), including efforts to ensure that:

(a) The minimum age of recruitment of children into the armed forces is 18 years;

(b) Recruitment practices do not target persons under the age of 18 or have a discriminatory impact on children belonging to ethnic minority groups and low-income families;

(c) The minimum period of service applied to children who enlist into the army is no longer than that applied to adult recruits;

(d) Children are safeguarded from abuse, violence and harassment in particular during armed forces training;

(e) All captured child soldiers under the age of 18 years benefit from special protection under the Joint Doctrine Publication 1-10 for Captured persons;

(f) The export of arms is prohibited to countries where children are known to be recruited or used in hostilities.

## **III. Statistical information and data**

34. The statistical information and disaggregated data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

35. The provision of tables presenting trends over the reporting period is recommended, and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

**A. General measures of implementation (arts. 4, 42 and 44 (6))**

36. Please provide information on the budget lines regarding children and the social services sectors, indicating the amount allocated to each budget line and its proportion in terms of the total national budget.

**B. General principles (arts. 2, 3, 6 and 12)**

37. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) Cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and sanctions imposed on perpetrators;
- (b) Child fatalities due to child abuse, substance abuse and suicide.

**C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

38. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The use of acoustic devices and other measures to deal with antisocial behaviours and disperse gatherings of young people;
- (b) Information and communications technology-related violations of children's rights and the number of such cases that have been investigated and prosecuted.

**D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

39. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) The use of electrical discharge weapons, attenuating energy projectiles and other harmful devices on children;
- (b) Children who have been placed under solitary confinement and other restrictive interventions, in all settings including education, custody, mental health, welfare and immigration settings;
- (c) Children with psychosocial disabilities and autism who have been placed under restraint and seclusion in schools;
- (d) Child victims of violence, including abuse, neglect, domestic violence and sexual exploitation and abuse in and outside the home and in alternative care settings, that have been reported to the authorities, investigated and prosecuted and the sanctions imposed on perpetrators, disaggregated by type of offence;
- (e) Children who have received protective measures and multidisciplinary remedies provided to children who are victims and witnesses of violence, in particular abuse, neglect and sexual exploitation and abuse;
- (f) Cases of female genital mutilation, forced marriages, virginity testing and crimes committed in the name of so-called honour against children that have been reported to the authorities, investigated and prosecuted;
- (g) Intersex children who have received non-urgent and irreversible surgical or other procedures.

**E. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

40. Please provide data, disaggregated as described in paragraph 34 above, on:

- (a) Families and children receiving economic and other types of support services;

(b) Children in residential care, the number of such institutions and their size and the length of stay;

(c) Children in unregulated alternative care placements, including secure accommodation, immigration detention centres and mental health institutions;

(d) Children in family-based and community-based care;

(e) Children of incarcerated parents.

#### **F. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

41. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) Children prescribed with psychotropic drugs, including amount and regularity;

(b) Children diagnosed with a mental illness;

(c) Drug, alcohol and tobacco abuse among children;

(d) Overweight, obesity and malnutrition among children;

(e) Teenage pregnancy;

(f) Children living below the poverty line;

(g) Children in street situations and children living in temporary accommodation.

#### **G. Education, leisure and cultural activities (arts. 28–31)**

42. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) Bullying and violence in schools;

(b) Children with disabilities attending regular schools and separate schools.

#### **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

43. Please provide data, disaggregated as described in paragraph 34 above, further disaggregated by accompanied or unaccompanied status, on:

(a) Asylum-seeking and refugee children, as well as the average processing time for asylum applications, who have resettled in the State party;

(b) Migrant children who have obtained nationality.

44. Please provide data, disaggregated as described in paragraph 34 above, further disaggregated by type of crime, on:

(a) Children in detention, including pretrial detention, in facilities such as police cells, prisons and young offenders institutions, length of stay and placements in solitary confinement, segregation or isolation;

(b) Children who are serving life sentences for offences committed while under the age of 18;

(c) Children detained together with adults and the length of stay;

(d) Children referred to diversion and non-custodial sentencing options.

(e) Children who have received rehabilitation and reintegration support.

**I. Optional Protocol to the Convention on the sale of children, child prostitution and child pornography**

45. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) Cases of the sale of children, child prostitution and child sexual abuse material that have been reported, investigated, prosecuted and sanctioned;

(b) Children who are victims of such crimes who have been provided with recovery assistance or compensation.

**J. Optional Protocol to the Convention on the involvement of children in armed conflict**

46. Please provide data, disaggregated as described in paragraph 34 above, on:

(a) Ill treatment and violence committed by staff at army training institutions against recruits under the age of 18 that have been investigated and prosecuted.

(b) Asylum-seeking, refugee and migrant children entering the State party from areas where children may have been recruited or used in hostilities;

(c) Children within its jurisdiction who have been recruited or used in hostilities abroad.

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