

# AMNESTY INTERNATIONAL

## Public Statement

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### **UK: The Committee on the Rights of the Child issues its Concluding Observations on the UK's implementation of the Convention on the Rights of the Child**

On 4 October 2002 the Committee on the Rights of the Child issued its Concluding Observations following its consideration of the United Kingdom's (UK) second periodic report under the UN Convention on the Rights of the Child.

Prior to the Committee's consideration of the UK's report, Amnesty International had submitted its concerns about the UK's implementation of the Convention, including in particular with respect to the right to life and not to be subjected to torture or other ill-treatment of children and young people in some young offenders institutions in England and Wales, as well as the organization's concerns about the UK's continued policy of recruiting under-18s into its armed forces and deploying them in hostilities (see below).

Among the positive aspects with respect to the UK's implementation of the Convention provisions, the Committee welcomed "the entry into force of the Human Rights Act 1998; the peace process in Northern Ireland, pursuant to the Good Friday Agreement, the enactment of the Northern Ireland Act 1998, establishing the Northern Ireland Human Rights Commission, the establishment of the police ombudsman for Northern Ireland, and the Race Relations (NI) Order 1997.... the completion of abolition of school corporal punishment in England, Wales and Scotland".

The Committee regretted the fact that many of its concerns and recommendations following its consideration in 1995 of the UK's initial report had not been sufficiently addressed and noted with concern the continued discrimination of children from vulnerable groups in respect of their enjoyment of economic, social, cultural, civil and political rights; the high number of children living in poverty; the trafficking of children for sexual and other type of exploitation; and the continued retention of the defence of "reasonable chastisement" and the lack of "significant action towards prohibiting all corporal punishment of children in the family".

With respect to the criminal justice system, the Committee expressed concern, inter alia, about the following aspects:

- the use of emergency legislation in Northern Ireland;
- the very low age of criminal responsibility, 8 years in Scotland and 10 years in the rest of the UK;
- that "children can be tried in adult courts in certain circumstances";
- that "young people of 17 years of age are considered as adults for the purpose of remand";
- the "increasing numbers of children in custody, at earlier ages for lesser offences, and for longer custodial sentences imposed by the recent[ly] increased court powers to give detention and training

orders";

"the conditions that children experienced in detention and that children do not receive adequate protection or help in young offender's institutions" against "violence, bullying, self harm and suicide"; and

the high number of injuries recently sustained by children as a result of the use of restraints in prison, and imposition of solitary confinement on children in detention.

With respect to under-18s in the armed forces, the Committee expressed concern "that about one third of the annual intake of recruits into the armed forces are below the age of 18 years, that the armed services target young people and that those recruited are required to serve for a minimum period of 4 years raising to six years in the case of very young recruits", and at "the widespread allegations that young recruits have been the victims of bullying", and that "children below the age of 18 years take direct part in hostilities overseas".

In connection with its concerns, the Committee recommended, inter alia, that the UK:

- "incorporate into domestic law the rights, principles and provisions of the Convention to ensure compliance of all legislation with the Convention";
- "take all necessary measures to end the detention of children in the same facilities as adults";
- "establish independent human rights institutions ... in accordance with the Paris Principles ... to monitor, protect and promote all the rights of the Convention for all children". These institutions should be "empowered to investigate violations of children's rights in a child-sensitive manner; and ensure that children have an effective remedy for violation of their rights";
- "abolish the use of plastic baton rounds [i.e. plastic bullets] as a means of riot control";
- "review the emergency and other legislation, including in relation to the system of administration of juvenile justice, at present in operation in Northern Ireland to ensure its consistency with the principles and provisions of the Convention";
- "review the use of restraint and solitary confinement in custody, education, health and welfare institutions";
- "repeal Section 28 of the Local Government Act 1986, where it applies";
- "refrain as a matter of policy from detaining unaccompanied minors and ensure the right to speedily challenge the legality of the detention";
- "ensure that refugee and asylum-seeker children have access to basic services, such as education and health and that there is no discrimination in benefit entitlements for asylum seeking families which could affect children";
- "ratify the Optional Protocol on the Involvement of Children in Armed Conflict and take all necessary measures to prevent the deployment of persons below the age of 18 years in the circumstances referred to in the declaration made upon signature by the State party keeping in mind the object and purpose of the Optional Protocol"; and
- "establish a system of juvenile justice that fully integrates into its legislation, policies and practice the provisions and principles of the Convention", including by raising the minimum age for criminal responsibility, ensuring "that no child can be tried as an adult irrespective of the circumstances or the gravity of his/her offence", ensuring "that detention of children is used as a measure of last resort and for the shortest appropriate period of time and that children are separated from adults in detention".

**For more information, please see:**

**United Kingdom -- Failing children and young people in detention, AI Index: EUR 45/004/2002, <http://web.amnesty.org/ai.nsf/recent/eur450042002>;**

**United Kingdom -- U-18s: Report on Recruitment and Deployment of Child Soldiers, AI Index: EUR 45/057/2000, <http://web.amnesty.org/ai.nsf/recent/eur450572002>.**

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