

Children's rights in Great Britain

—
Submission to the UN Committee on
the Rights of the Child

Executive summary

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Introduction

This submission aims to provide the UN Committee on the Rights of the Child (UN CRC) with information on the implementation of the rights set out in the Convention on the Rights of the Child (CRC)¹ in Great Britain since it was last reviewed by the UN CRC in 2016.²

In this executive summary, we highlight concerns regarding the implementation of the CRC and include recommendations for the UN CRC to consider as part of its List of Issues Prior to Reporting.

The coronavirus (COVID-19) pandemic is having, and will continue to have, an unprecedented and profoundly negative impact on children. This is already evident across many different aspects of children's lives. In this submission we have identified, using the evidence that is available, some of the ways in which the pandemic has exacerbated existing issues and where it has led to new problems. Further analysis is provided in our accompanying Annex.

The role of the EHRC

The Equality and Human Rights Commission (EHRC) was established by the UK Parliament in the Equality Act 2006 as an independent body with a mandate covering both equality and human rights. Among other human rights responsibilities, the EHRC was tasked with assessing and reporting on the UK's progress in achieving the human rights in the treaties ratified by the UK.³

¹ [Convention on the Rights of the Child](#)

² UN CRC, [Concluding observations: United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/5, 12 July 2016.

³ *Ibid.*, Section 9(2).

Devolution and geographic scope of this report

The UK comprises four countries: England, Scotland, Wales and Northern Ireland.

The UK Parliament has devolved various powers to the Scottish Parliament, the Welsh Parliament and the Northern Ireland Assembly, and it maintains responsibility for matters that have not been devolved and for England.

This submission covers England and Wales for all of the thematic areas, as well as Scotland for those issues that are reserved to the UK Parliament.

1. Equality and human rights framework

We are deeply concerned about the impact, both short and long term, of the coronavirus pandemic on children's rights, well-being and futures. This includes pushing more children into poverty, widening educational inequalities, the increasing risk of abuse, and worsening mental health. A robust and effective children's rights framework is critical, as is thoughtful, flexible and inclusive forward planning by governments.

The UK Government has not directly incorporated the CRC into domestic law, therefore it cannot be enforced by domestic courts, unless certain exceptions apply.⁴ The CRC is, however, partially incorporated into Welsh legislation⁵ and the Scottish Government has committed to fully incorporate the CRC into Scottish law.⁶

The UK Government has committed to 'update the Human Rights Act (HRA)'.⁷ It is important that children's views are heard and considered in the process, and that it does not weaken rights protections.

As the UK leaves the European Union (EU), it will not retain The EU Charter of Fundamental Rights, which contains a protection for the child's best interests,⁸ in domestic law. Alongside the risks brought about by the loss of EU funding⁹, we are concerned about this weakening of children's rights protections.

⁴ The CRC principles are reflected in some areas of domestic legislation and it can be used as an aid to statutory interpretation when the courts are considering human rights, see ZH (Tanzania) (FC) (Appellant) v Secretary of State for the Home Department (Respondent), [2011] UKSC 4.

⁵ Rights of Children and Young Persons (Wales) Measure 2011.

⁶ The Scottish Parliament (2020), United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill [accessed: 7 September 2020].

⁷ The Conservative and Unionist Party (2019), Manifesto 2019 [accessed: 20 July 2020].

⁸ Article 24(2), Charter of Fundamental Rights of the European Union.

⁹ Equality and Human Rights Commission (EHRC) (2018), The future of funding for equality and human rights [accessed: 16 July 2020].

We continue to argue that the UK and Welsh governments should establish a National Mechanism for Implementation, Reporting and Follow-up (NMIRF) to effectively implement the recommendations made by UN treaty bodies and under the Universal Periodic Review (UPR). Though there is some willingness to consider change from the devolved governments,¹⁰ there has been a lack of political will by the UK Government to improve reporting and implementation.

In 2018, the UK Government consulted on reforming the process for obtaining legal gender recognition in England and Wales to make it 'less intrusive' for transgender people,¹¹ though it did not collect evidence on the age threshold. Despite strong evidence in support of legislative reform,¹² the UK Government announced in 2020 that it would not change the law.

The UK Government has committed to 'bringing forward proposals to end the practice of conversion therapy in the UK';¹³ however, this has not yet happened.

Recommendations

Coronavirus (COVID-19)

The UK and Welsh governments should:

- urgently conduct a critical analysis of the short- and long-term impact of the pandemic on children, giving consideration to the compounding negative effects and the disproportionate impact on certain groups.

¹⁰ For example, see [Welsh Government's response to Children, Young People and Education Committee's report on the Inquiry on Children's Rights](#), 23 September 2020. For Scotland, see [First Minister's Advisory Group on Human Rights Leadership \(2018\), Recommendations for a New Human Rights Framework to Improve People's Lives](#), Recommendation 4.

¹¹ See UK Government (2018), [Reform of the Gender Recognition Act 2004](#) [accessed: 2 September 2020].

¹² EHRC (2018), [Response of the EHRC to the consultation on reform of the Gender Recognition Act](#).

¹³ Government Equalities Office (2018), [National LGBT Action Plan](#).

CRC incorporation

The UK Government should:

- give full effect to the provisions of the CRC in domestic law. It should publish and consult on proposals for statutory incorporation of the CRC into domestic law, and should ensure that children's voices are heard in the process. The UK Government should learn lessons from successful measures in Scotland and Wales that contributed to enhanced protection of children's rights, such as establishing a children's rights working group to advise on incorporation, and carrying out extensive public consultation while providing funding to ensure children's participation.

The Welsh Government should:

- accept and act on the recommendations made by the Children, Young People and Education Committee's inquiry into children's rights in Wales.
- strengthen measures to protect children's rights in Wales by making the rights within the CRC (and other UN treaty rights) legally enforceable.

Constitutional changes

The UK Government should:

- make a clear statement of its commitment to remain permanently a party to the European Convention on Human Rights.
- commit to ensuring that any changes to the human rights legal framework do not lead to any weakening in protection for human rights, including children's rights. It should ensure that those rights, and existing routes to redress, remain enshrined in domestic legislation by ensuring that any proposals to change or repeal the Human Rights Act include new legislation that offers at least the equivalent protection for human rights and provides opportunities to strengthen these rights further.
- ensure that the voices of children from all backgrounds and their representatives are meaningfully sought and are fully represented and reflected in the work and conclusions of the constitution, democracy and rights commission or related processes.

Brexit

The UK Government should:

- avoid any weakening of children's rights as a consequence of leaving the EU, including by ensuring the statutory protection of the child's best interests.

- ensure that the UK Shared Prosperity Fund, which replaces EU funding, continues to protect the UK's equality and human rights infrastructure, including by ensuring continued support for projects that protect children's rights.

National Mechanism for Implementation, Reporting and Follow-up

The UK and Welsh governments should:

- strengthen their commitment to the international human rights framework and ensure a joined-up approach to implementation of the UK's obligations at a domestic level, by putting in place comprehensive national mechanisms for monitoring and reporting on progress and ensuring implementation of the Universal Periodic Review and treaty body recommendations.

Gender Recognition Act and transgender young people

The UK Government should:

- collect evidence on the potential impact of reducing the age limit for legal gender recognition, taking into consideration the different contexts in each nation within Great Britain.
- urgently allocate new funding and reintroduce its anti-LGBT bullying programme in schools across England.
- bring forward proposals to end the practice of 'conversion therapies' that seek to change either the sexual orientation or gender identity of children.

2. Living standards (Articles 26 and 27)

We have found that, as a result of the UK Government's changes to taxes, public spending and the welfare system from 2010 to 2018, an extra 1.5 million children are projected to live in poverty in 2021/2.¹⁴ Child benefit for a second child, and any subsequent children, is now worth less in 2019/20 than when it was fully introduced in 1979.¹⁵ It is estimated that, as a direct result of the two-child limit on the child element of tax credits and Universal Credit, 300,000 children will be pushed into poverty by 2023/4.¹⁶

In 2018/9, there were 4.2 million children in the UK living in relative poverty, with 3.7 million children living in absolute poverty.¹⁷ Children living in families where someone is disabled, children living in lone-parent households and children from certain ethnic minorities are disproportionately likely to be living in poverty.¹⁸ Children from families with no recourse to public funds are at particular risk of poverty.¹⁹

¹⁴ Including 1.36 million in England and 50,000 in Wales. EHRC (2018), The cumulative impact of tax and welfare reforms, pp. 23–24. The forecasts are based on pre-pandemic estimations.

¹⁵ Ibid., Fig. 1.

¹⁶ The Church of England, Child Poverty Action Group, Women's Aid, Turn2us and Refugee Council (2019), All kids count: the impact of the two-child limit after two years, p.14 [accessed: 16 July 2020].

¹⁷ Department for Work and Pensions (2020), Households Below Average Income, Statistics on the number and percentage of people living in low income households for financial years 1994/95 to 2018/19, Table 4b [accessed: 6 August 2020].

¹⁸ Ibid., Tables 4_3db and 4_5db.

¹⁹ The Children's Society (2020), A lifeline for all: Children and families with no recourse to public funds [accessed: 29 October 2020].

Despite this, the UK Government removed previously binding targets to reduce child poverty in England.²⁰ Similarly, the Welsh Government failed to meet its target to end child poverty in Wales by 2020 and has not renewed this target.²¹

The Equality Act 2010 provides a framework for reducing the inequalities of outcome resulting from socio-economic disadvantage through the socio-economic duty.²² Although the Welsh Government has committed to commencing the duty from March 2021,²³ the duty has not been enacted in England.

The coronavirus pandemic risks pushing more families into poverty. Groups who already faced poverty are more likely to have seen their income reduced during the pandemic,²⁴ with families with children among those who have lost out the most.²⁵

²⁰ [Welfare Reform and Work Act 2016, Sections 4-7.](#)

²¹ BBC News (2016), '[No end to child poverty by 2020, Welsh Government says](#)' [accessed: 3 August 2020]. The Welsh Government's Child Poverty strategy does not include a target to end child poverty.

²² Section 1(1) of the [Equality Act 2010](#).

²³ Welsh Government [website](#) [accessed: 3 August 2020].

²⁴ Joyce, R. and Xu, X. (2020), '[Sector shutdowns during the coronavirus crisis: which workers are most exposed?](#)' [accessed: 6 August 2020].

²⁵ Lee, T. (2020), '[Families hit harder because nothing for children in Covid-19 response](#)', Child Poverty Action Group, 12 May [accessed: 6 August 2020].

Though we welcomed the UK Government's introduction of 30 hours of free childcare for children in England aged three to four years old,²⁶ evidence suggests that availability of childcare remains a significant challenge.²⁷ Childcare providers in England say UK Government funding is not sufficient to cover the costs.²⁸ The low statutory rate of pay for Shared Parental Leave is also a barrier for working parents.²⁹

The Welsh Government introduced the Childcare Offer for Wales in 2017 to provide up to 30 hours of formal childcare for children aged three or four,³⁰ but this does not go far enough to meet the needs of parents.

Recommendations

Social security

The UK Government should:

- undertake cumulative children's rights impact assessments of all new tax and social security policies and reconsider existing policies that are contributing to negative impacts for those children who are most disadvantaged. Particular consideration should be given to the impact of the coronavirus pandemic, to ensure that no children experience material deprivation or poverty as a result of the negative impacts of social security policies.
- permanently reduce the five-week wait for a first Universal Credit payment, to support the right to an adequate standard of living for households with children that have lost their income during the pandemic and beyond.
- permanently scrap the two-child limit, the benefit cap and extend the coronavirus emergency £20 per week uplift to the child element of Universal Credit and Child Tax Credit so that already struggling families can better cope with the impact of the pandemic.

²⁶ Gov.uk, (2020) [30 hours free childcare](#).

²⁷ Coram Family and Childcare (2020), [Childcare Survey 2020](#), pp. 4 and 24.

²⁸ EHRC (2018), [Is Britain Fairer?](#), p. 46.

²⁹ Birkett, H. and Forbes, S. (2018), [Shared Parental Leave: Why is take-up so low and what can be done?](#), University of Birmingham.

³⁰ Welsh Government, ['The Childcare Offer for Wales: Help with childcare costs for working parents of 3 to 4 year olds'](#) [accessed: 10 September 2020].

- review the rate of child benefit on an ongoing basis to ensure it is in line with inflation.
- ensure a social security system that is accessible to everyone and provides an adequate standard of living for all, by carrying out a comprehensive review of the application of sanctions and conditionality on households with children, in particular those sharing different protected characteristics, and take action to address any disparities.

Poverty

The UK and Welsh governments should:

- consider providing universal free school meals, or at a minimum, extending eligibility to all children living in poverty and those in households with no recourse to public funds, and extend provision to the school holidays by providing families with options, including a voucher system, equivalent to a free school meal allowance.
- reintroduce income poverty-related targets for the eradication of child poverty and establish clear accountability mechanisms (including binding targets) with a set time frame and measurable indicators for meeting these targets.

The UK Government should:

- bring the socio-economic duty into force in England at the earliest opportunity.
- amend existing immigration rules to ensure that no recourse to public funds conditions are not applied to parents with leave to remain in the UK when they have children who are under 18 years old or still in full-time education.
- develop a comprehensive child poverty strategy for England, which sets out a clear action plan to eradicate child poverty and address the inequalities faced by children and young people that have been exacerbated by the pandemic, ensuring that the best interests of the child are taken as a primary consideration.

The Welsh Government should:

- set out in its statutory guidance for the socio-economic duty the particular inequalities of outcome experienced by children and young people living in poverty that it and public bodies should use the duty to address.
- publish a cross-government poverty reduction strategy with targets and performance indicators.

Childcare

The UK and Welsh governments, where applicable, should:

- ensure the availability and affordability of properly regulated childcare, including by ensuring adequately funded, flexible and high-quality childcare for all children, tackling problems with funding and availability of the provision for 30 hours of free childcare for children aged three to four years, and addressing the funding gap for children between the ages of nine months and three years.
- introduce dedicated, non-transferable and flexible 'use it or lose it' shared parental leave for parents, with a pay rate that acts as a real incentive to take-up.
- make paternity and shared parental leave a 'day one' right for employees, and include equivalent provisions for agency and self-employed workers to ensure they can access paid shared parental leave at the same rate as employees.

3. Education (Articles 28, 29 and 42)

There were significant inequalities in educational attainment at school-leaving age in England and Wales in 2018/9. Certain ethnic minority groups had lower attainment rates than others,³¹ as did children with special educational needs (SEN).³² In 2018, the attainment gap between socio-economically disadvantaged pupils and those who are not disadvantaged widened at both secondary level and in the early years, and has not improved since.³³ In 2019, the gap also increased at primary school level for the first time since at least 2007, reversing previous progress.³⁴

These inequalities are likely to be significantly exacerbated by the coronavirus pandemic, with school closures, inequalities in home-learning circumstances, the 'digital divide' and the cancellation of exams.³⁵

There is widespread anecdotal evidence about the continuing excessive use of restraint in education,³⁶ but there is no legal duty on schools in England or Wales to record its use.

Since 2013/4 the rate of fixed and permanent exclusions has been rising in England.³⁷ Evidence suggests that exclusions are used disproportionately for certain groups including children with special educational needs and disabilities (SEND), boys, those eligible for free school meals, and children from certain

³¹ Department for Education (2020), [National Statistics: Key stage 4 performance 2019 \(revised\), national characteristics table](#); Welsh Government (2020) [Key Stage 4 from 2018/2019](#).

³² Ibid.

³³ Education Policy Institute (2020), [Education in England, Annual Report 2020](#), p. 11 [accessed: 11 September 2020].

³⁴ Ibid.

³⁵ Education Endowment Foundation (2020) [Impact of school closures on the attainment gap: rapid evidence review](#).

³⁶ Challenging Behaviour Foundation (2019) [Reducing Restrictive Intervention of Children and Young People](#), pp. 11–18 [accessed: 7 August 2020]. See also EHRC (2019) [Human Rights Framework for Restraint](#), p. 4 [accessed 7 August 2020].

³⁷ Department for Education, (2020), [Permanent and fixed-period exclusions in England](#).

ethnic minorities.³⁸ In Wales, where exclusions have also been rising since 2013/4,³⁹ figures show that pupils with special educational needs and children eligible for free school meals have higher rates of exclusions.⁴⁰

We are concerned about limits to safeguards against exclusion, including that pupils in England under the age of 18 are not able to challenge a decision to exclude them.⁴¹

Research that we have conducted suggests that there are barriers to implementing a human rights based approach in schools across Great Britain.⁴² In England, these include insufficient knowledge among teachers about the international human rights framework.

Despite changes in England⁴³ and Wales⁴⁴ to make aspects of sex and relationships education mandatory at primary and secondary level, the guidance does not clearly state that teaching about lesbian, gay, bisexual and transgender (LGBT) families is mandatory for primary schools in England.⁴⁵

³⁸ Ibid; EHRC, (2018), [Is Britain Fairer?](#)

³⁹ Statistics for Wales (2019), [Permanent and fixed-term exclusions from schools in Wales 2017/18.](#)

⁴⁰ Ibid., p. 2.

⁴¹ While this is the case as per Section 51(a)(c) of the [Education Act 2002](#) and [The School Discipline \(Pupil Exclusions and Reviews\) \(England Regulations\) 2012](#), there are alternative routes under certain circumstances.

⁴² EHRC (2020), [Exploring human rights education in Great Britain](#) [accessed: 16 November 2020]

⁴³ Relationships Education, Relationships and Sex Education and Health Education (England) Regulations 2019: Draft statutory instruments, [SI 2019/924](#). New guidance allows schools to delay until the start of the summer term 2021. See Department for Education, (2019), [Relationships education, relationships and sex education \(RSE\) and health education.](#)

⁴⁴ Welsh Government (2017), [Curriculum for Wales: overview](#) [accessed: 3 September 2020].

⁴⁵ Department for Education (2019), [Relationships education, relationships and sex education \(RSE\) and health education: FAQs](#). See also: Department for Education, (2019), [Engaging parents with relationships education policy.](#)

The history of the British Empire, immigration and colonialism is not a mandatory part of the school curriculum in England or Wales,⁴⁶ though the Welsh Government has established a working group to advise on the teaching of themes relating to ethnic minority experiences.⁴⁷

The trend toward inclusion of children with SEND in mainstream schools has stalled in England.⁴⁸ There are concerns that the funding model of schools in England disincentivises mainstream schools to be more inclusive.⁴⁹ In Wales, the proportion of children with SEN attending special schools has been steadily increasing for several years.⁵⁰ In response, the Welsh Government has introduced changes including the new Curriculum for Wales⁵¹ and the Additional Learning Needs and Education Tribunal Act 2018.⁵²

We have concerns about the implications of the pandemic on children's access to additional support, with staff shortages, social distancing rules and the need to concentrate resources on the health emergency leading local authorities to reduce SEND provision, in some cases ceasing it altogether.⁵³

⁴⁶ This is contrary to recommendations from the UN Committee on the Elimination of Racial Discrimination (2016), Concluding observations on the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland.

⁴⁷ Welsh Government (2020), Professor Charlotte Williams to lead work on teaching Wales' "rich history built on difference and diversity".

⁴⁸ Department for Education (2020), Special educational needs in England.

⁴⁹ National Audit Office (2019), Support for pupils with special educational needs and disabilities in England, para. 11.

⁵⁰ StatsWales (2020), Pupils with special educational needs by sector and year [accessed: 10 September 2020].

⁵¹ Welsh Government, Curriculum for Wales [accessed: 10 September 2020].

⁵² Additional Learning Needs and Education Tribunal (Wales) Act 2018 [Note: Implementation of this legislation has been paused due to the pandemic].

⁵³ Jackman, A. and Wright, E. (2020), 'Education: recent developments', Legal Action Group, May 2020. This view is also supported by anecdotal evidence provided to us by Just for Kids Law in May 2020.

Recommendations

Attainment

The UK and Welsh governments should:

- urgently prepare for future disruption to education due to the pandemic, including by drawing up contingency plans to ensure that every child, regardless of their background and circumstances, is able to access good quality education without discrimination.
- increase their efforts to tackle gaps in educational attainment, in particular among socio-economically disadvantaged children, disabled children and certain ethnic groups, and ensure that all children have the opportunity to reach their full potential through education.
- encourage uptake of STEM subjects among all girls, regardless of background, so that they have the opportunity to consider and pursue this career path.

The UK Government should:

- undertake and publish an analysis of how the exceptional arrangements for issuing grades this summer, both the standardisation process and the decision to replace this with teacher-assessed grades, affected outcomes for pupils with protected characteristics. This should be used to identify any disproportionate impacts and to inform contingency plans for issuing grades in preparation for the possibility of future disruptions to exams.
- ensure that the coronavirus education recovery plan for England, which includes £1 billion worth of catch-up premiums for disadvantaged children, is used to provide individualised and targeted support for ethnic minority pupils and disabled pupils affected by the school closures.

Approaches to managing 'challenging behaviour'

The UK and Welsh governments should:

- ensure that restraint is used proportionately, and as a last resort in schools, in line with our human rights framework for restraint, and require schools to collect and publish data on the use of restraint, including to identify and address any disproportionate use on those who share protected characteristics. This should include a ban on using restraint for disciplinary reasons and on techniques that deliberately inflict pain on children.
- ensure that, as schools open their doors to increasing numbers of students following pandemic-related closures, they are supported to manage disruptive

behaviour. There should be a focus on prevention, early intervention and, in the case of children with additional learning needs (ALN), SEND or SEN, including those disabled children with a tendency to physical abuse, on implementing the legal obligation to provide reasonable adjustments.

The UK Government should:

- accelerate plans to implement the Timpson Review recommendations, and identify areas where further measures are needed to tackle the disproportionate levels of exclusion affecting ethnic minorities and disabled children, including developing stronger safeguards to prevent informal exclusions, requiring schools to invest in early interventions and strengthening processes for pupils to challenge exclusions.
- immediately extend to all children the right to be heard before exclusion and to appeal against both temporary and permanent exclusions. Children should be provided with age-appropriate legal advice and assistance throughout the appeal or claim process, which is independent from local authorities and properly resourced.

The Welsh Government should:

- identify and address the causes of such high exclusion rates for particular groups, including children with SEN and those eligible for free school meals.
- ensure that the right of children of all ages to be heard before being excluded, to appeal against exclusions and to be given support when doing so, is not lost when any changes are made to the process. Such children should be provided with age-appropriate legal advice and assistance throughout the appeal or claim process.

Human rights education

The UK Government should:

- ensure that equality and human rights are strengthened as part of the curriculum to instil shared values, tackle prejudiced attitudes by educating about difference, foster community cohesion and enable young people to fully participate in our democratic society. The curriculum should also include Britain's colonial and immigration history to enable children to understand how this has shaped all aspects of our country.
- ensure that teaching about families that take different forms – including LGBT families – is clearly made a mandatory part of the curriculum in both primary and secondary schools, in accordance with its obligations under international law, and that all guidance and related communications consistently reflect this.

The UK and Welsh governments should:

- ensure quality and consistent teacher training on equality and human rights, including children's rights.

Inclusive education

The UK Government and, where relevant, the Welsh Government, should:

- remove the reservation and interpretive declaration on Article 24 of the CRPD, and take concrete steps to facilitate genuine family choice and realise the right of disabled children to inclusive education.
- ensure appropriate monitoring and avenues of redress are in place and strengthen the remedies for school children in cases of disability discrimination, failure to make reasonable adjustments and harassment, including, where appropriate, compensation.
- address the concerns about funding of the SEND system in England, exacerbated by coronavirus, through the development of a long-term, sustainable funding package, with an emphasis on how to incentivise schools to be more inclusive.

The Welsh Government should:

- when implementing the Additional Learning Needs and Education Tribunal (Wales) Act 2018, to ensure that the vision is achieved for a comprehensive and coordinated framework for inclusive education where families with disabled children have increasing access to mainstream schools and staff, which have the capacity to meet the needs of disabled children.

4. Children in institutions (Articles 23, 24 and 25)

More than 1,240 children were detained under the Mental Health Act 1983 (MHA) in England in 2018/9,⁵⁴ an increase of 63 from the previous year.⁵⁵ In Wales between April 2019 and March 2020, 102 children under 18 were detained.⁵⁶

An independent review of the MHA in 2018 called for additional checks and safeguards for children and young people.⁵⁷ The UK Government committed to reform the MHA in 2018⁵⁸ and 2019,⁵⁹ but reform has been delayed.

We are concerned about the continued use of restraint in inpatient care against children with learning disabilities and / or autism, with 570 restrictive interventions recorded in England in March 2020 alone.⁶⁰ A parliamentary inquiry included support for our legal model for disabled people's right to live

⁵⁴ NHS Digital (2019), [Mental Health Act statistics, annual figures 2018-19](#) (see Mental Health Act statistics, annual figures 2018-19: data tables at Table 1b) [accessed: 14 July 2020]. The overall national totals will be higher as some providers did not submit data. Equivalent figures of detention under the MHA, disaggregated by age, are not available for Wales.

⁵⁵ NHS Digital (2018), [Mental Health Act statistics, annual figures 2017-18](#) (see data tables at Table 1b) [accessed: 4 August 2020].

⁵⁶ StatsWales, [Section 135/136 Detentions by local health board, age, gender and quarter](#) [accessed: 31 August 2020]. In some cases age was not recorded, meaning figures may be higher.

⁵⁷ Department of Health and Social Care (2018), [Modernising the Mental Health Act: Increasing choice, reducing compulsion](#) [accessed: 14 July 2020].

⁵⁸ Department of Health and Social Care (2018), [Government commits to reform the Mental Health Act](#) [accessed: 14 July 2020].

⁵⁹ Prime Minister's Office (2019), [The Queen's Speech December 2019 – background briefing notes](#) [accessed: 14 January 2020].

⁶⁰ NHS Digital (2020), [Learning disability services monthly statistics](#) (see LDA monthly statistics from MHSDS – March 2020: reference tables, reference table 17) [accessed: 14 July 2020].

independently and be included in the community.⁶¹ The UK Government's response includes some welcome commitments, although it has deferred responding to certain key recommendations.⁶²

Pandemic-related changes to the operation of mental health services⁶³ and mental health tribunals,⁶⁴ as well as potential temporary changes to the MHA,⁶⁵ all relax important safeguards against detention.

Recommendations

The UK and Welsh governments, where relevant, should:

- strengthen the criteria for detaining children and young people under the Mental Health Act to ensure that the least restrictive intervention is used, and improve the ability of children and young people detained to be involved in decisions about their treatment and care and to obtain a timely and meaningful review of the decision to detain or prolong detention.
- implement the recommendations of the Independent Review of the Mental Health Act. These should include taking action to address the

⁶¹ Joint Committee on Human Rights (2019), [Inquiry into the detention of children and young people with learning disabilities and/or autism](#) [accessed: 14 July 2020]; EHRC (2019), [Written evidence from The Equality and Human Rights Commission \(YDA0021\)](#) [accessed: 14 July 2020].

⁶² UK Government (2020), [The Government response to the Joint Committee on Human Rights reports on the detention of young people with learning disabilities and/or autism and the implications of the Government's COVID-19 response](#) [accessed: 30 October 2020].

⁶³ NHS England (2020), [Legal guidance for mental health, learning disability and autism, and specialised commissioning services supporting people of all ages during the coronavirus pandemic](#) [accessed: 15 July 2020].

⁶⁴ Courts and Tribunal Judiciary (2020), [Pilot practice direction: health, education and social care chamber of the first-tier tribunal \(mental health\)](#) [accessed: 15 July 2020]; [Coronavirus Act 2020 \(Commencement No. 1\) \(Wales\) Regulations 2020](#) [accessed: 15 July 2020]; Mental Health Review Tribunal for Wales (2020), [Practice direction COVID-19](#) [accessed: 15 July 2020].

⁶⁵ [Coronavirus Act 2020, Schedule 8, Part 2](#). These changes have not been activated, but include reducing the number of doctors needed to approve detention, extending or removing time limits and reducing oversight for forced treatment. See Royal College of Psychiatrists (2020), [Legal matters – COVID-19 guidance for clinicians](#) [accessed: 15 July 2020].

disproportionate use of the Mental Health Act among children, including in detention rates and use of restraint.

- improve data gathering on the use of restraint on children and young people in inpatient care.
- ensure there are sufficiently and sustainably funded appropriate, high-quality mental health services in the community, to support the needs of all children and young people, including those with learning disabilities and/or autistic spectrum disorder, to reduce the need to resort to involuntary admission and treatment.
- repeal pandemic-related provisions that would relax safeguards under the Mental Health Act at the earliest opportunity, including provisions in the Coronavirus Act 2020, legal guidance affecting the operation of mental health services, and changes to the operation of mental health tribunals. Data on rates of detention under the Mental Health Act during the pandemic period, as well as COVID-19 cases and deaths among those detained under the Mental Health Act, should be closely monitored and published.

5. Youth justice (Articles 37 and 40)

We are concerned that Black children in England and Wales are disproportionately held in custody at much higher, and increasing, rates than children from other ethnic groups.⁶⁶

We are also concerned that, in England and Wales, the age of criminal responsibility remains 10.⁶⁷

Children and young people in the criminal justice system face high levels of violence.⁶⁸ Many have felt unsafe and have experienced bullying, particularly disabled children and Traveller children.⁶⁹ Around 200 allegations of sexual abuse are made each year, mostly against staff.⁷⁰ However, the Independent Inquiry into Child Sexual Abuse (IICSA) has found that complaints are rarely investigated properly.⁷¹

The number of self-harm incidents in the youth secure estate in England and Wales in the year ending March 2019 was the highest in the last five years.⁷²

⁶⁶ Youth Justice Board (2020), [Youth justice statistics 2018/19](#).

⁶⁷ Section 50 of the [Children and Young Persons Act 1933 \(as amended\)](#) [accessed: 3 July 2020]

⁶⁸ Youth Justice Board and Ministry of Justice (2020), [Youth Justice Statistics 2018/19 England and Wales. Statistics bulletin](#) [accessed: 9 July 2020].

⁶⁹ HM Inspectorate of Prisons (2020), [Children in Custody 2018–19 An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions](#) [accessed: 9 July 2020].

⁷⁰ IICSA (2019), [Sexual abuse of children in custodial institutions 2009-2017 investigation report](#) [accessed: 7 August 2020].

⁷¹ Ibid.

⁷² Youth Justice Board and Ministry of Justice (2020), [Youth Justice Statistics 2018/19 England and Wales. Statistics bulletin](#) [accessed: 9 July 2020].

In the year ending March 2019, restrictive physical interventions in the youth secure estate increased 16% compared to the previous year.⁷³ We have called for the use of pain-inducing restraint on children to be prohibited.⁷⁴ The use of segregation is also a concern, with 59% of children reporting being placed in solitary confinement as punishment.⁷⁵

The coronavirus pandemic has added to pressures on the youth secure estate, with children locked up for longer,⁷⁶ visits suspended, and limitations imposed on education and therapy.⁷⁷

We are alarmed at the way some children are policed with, for example, Tasers being used 1,700 times on children in England and Wales in 2018/9,⁷⁸ an increase of 78% compared with the previous year.⁷⁹ Evidence shows that they are used disproportionately in England against children from some ethnic minority groups.⁸⁰

⁷³ Youth Justice Board and Ministry of Justice (2020), [Youth Justice Statistics 2018/19 England and Wales. Statistics bulletin](#), p. 51 [accessed: 1 September 2020].

⁷⁴ EHRC (2019), [Torture in the UK: update report Submission to the UN Committee Against Torture in response to the UK List of Issues](#), p. 59 [accessed: 9 July 2020].

⁷⁵ HM Inspectorate of Prisons (2020), [Children in Custody 2018–19 An analysis of 12–18-year-olds' perceptions of their experiences in secure training centres and young offender institutions](#) [accessed: 9 July 2020].

⁷⁶ UK Government (2020), [Explanatory memorandum: The Secure Training Centre \(Coronavirus\) \(Amendment\) Rules 2020, 2020 No.664](#) [accessed: 11 September 2020].

⁷⁷ Justice Committee (2020), [Coronavirus \(Covid-19\): The impact on prisons](#) [accessed: 7 August 2020].

⁷⁸ Home Office (2019), [Police use of force statistics, England and Wales: April 2018 to March 2019: data tables](#), see Table 2 [accessed: 11 September 2020].

⁷⁹ Home Office (2018), [Police use of force statistics, England and Wales, April 2017 to March 2018: data tables](#), see Table 2 [accessed: 11 September 2020].

⁸⁰ Children's Rights Alliance for England (2018), [Briefing on policing and criminal justice](#).

Police have powers to stop and search children of any age, with evidence showing that those from ethnic minorities are disproportionately stopped.⁸¹ We have concerns about the removal of safeguards on 'no-suspicion' stops.⁸²

We remain concerned about changes to the civil legal aid regime in England and Wales.⁸³ The removal of legal aid for private family law cases,⁸⁴ for example, has had a significant impact on children, including in cases to determine residence, contact and financial support.⁸⁵

Recommendations

Treatment of children in the criminal justice system

The UK Government should:

- improve the provision and availability of mental health services in the youth secure estate to prevent suicide and self-harm. This should include a particular focus on the impact of coronavirus restrictions on children's mental health.
- publish a specific plan for resolving issues in youth custody that have arisen following the restrictions brought about by the pandemic. This should include steps to: increase access to education; increase contact with families and friends, including face to face visits; significantly increase time out of cells;

⁸¹ Freedom of Information data shows the largest proportion of stops and searches in England is of 15–19 year olds; see Children's Rights Alliance for England (2019), [Briefing on policing and criminal justice](#). Overall, people from every ethnic minority group are stopped at higher rates than those from White groups, particularly Black people, who are stopped at almost 10 times the rate; see Home Office (2019), [Stop and search statistics data tables, police powers and procedures year ending 31 March 2019](#), Table 13.

⁸² Home Office (2019), [Section 60 stop and search pilot extended](#).

⁸³ [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(LASPO\)](#), Schedule 1, Part 1.

⁸⁴ Legal Aid Agency, [Scope of family proceedings under LASPO](#) [accessed: 1 September 2020].

⁸⁵ EHRC (2018), [The impact of LASPO on routes to justice](#); and Wong, S. and Cain, R. (2019), [The impact of cuts in legal aid funding of private family law cases](#), *Journal of Social Welfare and Family Law* [accessed: 13 July 2020].

and eliminate solitary confinement. Inconsistencies in provision across the youth secure estate should be removed.

- ensure that measurable steps are taken to reduce violence in youth custody inflicted upon, and carried out by, children, including assaults and bullying, and to take action in response to the recommendations of the Independent Inquiry into Child Sexual Abuse report on sexual abuse of children in youth custody.
- improve data gathering on the use of restraint in the youth secure estate and ensure that restraint is used proportionately and as a last resort in youth custody, in line with our human rights framework for restraint. This should include a ban on using restraint for disciplinary reasons and on techniques that deliberately inflict pain on children.
- develop a holistic welfare-based system, including early intervention and therapeutic services, for dealing with the harmful behaviour of children, and to raise the age of criminal responsibility to at least 14 years of age, in line with international human rights standards.
- prioritise urgent implementation of the recommendations set out in the Lammy Review and by the Commission on Justice in Wales, and develop and implement a comprehensive, coordinated and long-term strategy to ensure children from ethnic minorities are not subject to disproportionate treatment in the criminal justice system.

Policing

The UK Government should:

- understand and deal with disproportionate use of force by the police on children from ethnic minority groups.
- continue to improve the quality and consistency of data on the use of force, including data on protected characteristics, to ensure transparency, promote best practice and support efforts to tackle racial disproportionality.
- prohibit the use of Tasers on children, implementing the recommendations of the UN Committee on the Rights of the Child.
- hold police forces to account for their use of stop and search and make sure these powers are used in a lawful, non-discriminatory manner and only on the basis of reasonable suspicion. This should include ensuring that forces comply with the Best Use of Stop and Search Scheme, effectively record and monitor ethnicity data, and put in place appropriate procedural safeguards to protect the rights to privacy, liberty and security.
- carefully analyse the impact that 'no-suspicion' stops by police have had on ethnic minority children, in particular Black children, and publish its findings. The pilot removal of safeguards on these types of stops should not be

extended unless the UK Government can demonstrate that the changes are justified and proportionate, and measures to prevent any discriminatory impact are in place, in line with the requirements of the Public Sector Equality Duty.

Legal aid

The UK Government should:

- identify where the Legal Aid, Sentencing and Punishment of Offenders Act 2012 has had a negative impact on access to justice for rights protected by the CRC and take mitigating action, including bringing areas of law back in scope where children's rights and well-being are at risk.
- review Exceptional Case Funding and ensure that it works effectively to protect children's rights under the CRC and Human Rights Act 1998, including by resolving the complexity of the application process to ensure that children do not face barriers to funding in cases when legal aid would not normally be available.

6. Refugee and migrant children (Articles 10, 22 and 37)

The UK's departure from the EU has created uncertainty about the future residency rights of European Economic Area (EEA) and Swiss nationals in the UK.

There have been substantial delays in processing asylum applications by unaccompanied children,⁸⁶ and the UK still does not allow child refugees to sponsor close relatives to join them.⁸⁷

A 'no-deal' withdrawal from the EU will also end the UK's participation in the Dublin III Regulation,⁸⁸ under which family unity is a key criteria in determining the EU state responsible for examining an asylum claim.⁸⁹

In 2019 98 children were detained for immigration purposes, increasing for the second year in a row.⁹⁰ Only one third of children leaving detention in 2018 were removed from the UK,⁹¹ raising concerns that detention is not being used as a last resort.⁹²

⁸⁶ Elder Rahimi Solicitors (2018), [Systemic Delays in the Processing of the Claims for asylum made in the UK by Unaccompanied Asylum Seeking Children \(UASC\)](#), pp. 6–8 [accessed: 15 July 2020].

⁸⁷ The UK has not opted in to the European Family Reunification Directive.

⁸⁸ House of Common Library (2019), [What is the Dublin III Regulation? Will it be affected by Brexit?](#) [accessed: 20 July 2020].

⁸⁹ [Dublin III Regulation](#) preamble para. 16 and Article 8 [accessed: 20 July 2020].

⁹⁰ Home Office (2020), [Immigration detention statistics: year ending June 2020, detention summary tables](#), [accessed: 23 October 2020] table det_02b.

⁹¹ Home Office (2019), [Immigration detention statistics](#), Table dt_09 [accessed: 19 August 2020].

⁹² Article 5 of the [Human Rights Act 1998](#) requires that detention is closely connected to the purpose of facilitating deportation or preventing unlawful entry.

New UK Government guidance permits children to be treated as adults if their physical appearance and demeanour 'very strongly suggests' that they are 25 or over.⁹³ There are persistent concerns that these visual age assessments are inherently unreliable and may not adequately take into account relevant cultural or racial factors, or the effects of trauma.⁹⁴

Recommendations

Brexit and family reunification

The UK Government should:

- ensure that the EU Settlement Scheme and any future changes to the UK's immigration rules make children's rights, including the child's best interests, a primary consideration in line with its legal obligation to do so.
- eliminate unnecessary delays in processing asylum applications by unaccompanied children, ensuring that disaggregated data on processing times is collected and published.
- ensure that arrangements are put in place to allow unaccompanied asylum-seeking children to join relatives in the UK under the same terms as the Dublin III Regulation following the UK's withdrawal from the EU, and review its immigration policy to enable child refugees to sponsor close relatives to join them in the UK.

⁹³ Home Office (2019), [Assessing age, version 3.0](#), p. 11 [accessed: 19 August 2020].

⁹⁴ [BF \(Eritrea\) v Secretary of State for the Home Department \[2019\] EWCA Civ 872 \(23 May 2019\)](#) [accessed: 19 August 2020].

Immigration detention and visual age assessments

The UK Government should:

- ensure that local authorities conduct age assessments for unaccompanied migrant and asylum-seeking children in line with Home Office guidance, and amend the guidance to introduce a presumption that, where the age of a young person is uncertain, they must be treated as a child, including not being detained alongside adults, until their age has been assessed objectively by an independent expert.
- ensure suitable alternatives to immigration detention are made available for children.
- introduce a 28-day time limit to bring an end to indefinite detention, create statutory criteria to ensure detention is only used as a measure of last resort and removal is imminent, and require a judge to authorise detention beyond 72 hours.
- implement in full the recommendations of the Windrush Lessons Learned Independent Review by Wendy Williams, including by undertaking a full review and evaluation of hostile environment policies, and strengthening compliance with the Public Sector Equality Duty in line with our assessment and recommendations on the subject.

7. Health (Articles 6 and 24)

The proportion of children with a probable mental health disorder in England increased significantly from one in nine in 2017 to one in six in 2020.⁹⁵ Recent research in Wales suggested a similar rate of one in seven.⁹⁶

Hospital admissions due to self-harm increased by at least 21% between 2011/2 and 2017/8.⁹⁷ Certain groups – including girls and lesbian, gay and bisexual children – continue to self-harm at higher rates than others.⁹⁸ Suicide rates have also increased substantially among young people and almost doubled in Wales between 2014 and 2020.⁹⁹ The growing number of children in need of support are not receiving it, with only 9% reporting in a survey that it was 'easy' to get mental health support.¹⁰⁰

There remains a 'postcode lottery' in accessing support, with the proportion of child and adolescent mental health services (CAMHS) referrals in Wales less than half the rate in England, based on 2020 figures.¹⁰¹ We are also concerned by the impact of significant waiting times¹⁰² and increasingly stringent eligibility criteria¹⁰³ for CAMHS referrals.

⁹⁵ NHS Digital (2020), [Mental health of children and young people in England, 2020](#).

⁹⁶ Mind Cymru (2019), [Mind Cymru calls on Welsh Government to make mental health and wellbeing a statutory part of the national curriculum for all learners, as survey finds that one in seven young people have poor mental health](#) [accessed: 6 August 2020].

⁹⁷ The figures represent 10–24 year olds. This does not take into account attendance at Accident and Emergency departments and the true figure is therefore likely to be higher: see Nuffield Trust (2019), [Hospital admissions as a result of self-harm in children and young people](#) [accessed: 13 July 2020].

⁹⁸ The Children's Society (2018), [The Good Childhood Report 2018](#), p. 43.

⁹⁹ The figures represent young people aged 15–24. See Royal College of Paediatrics and Child Health (2020), [State of child health: at a glance](#) [accessed: 17 July 2020].

¹⁰⁰ Young Minds (2018), [#FightingFor Report](#), p. 6 [accessed: 17 July 2020].

¹⁰¹ Royal College of Paediatrics and Child Health (2020), [State of child health: at a glance](#) [accessed: 17 July 2020].

¹⁰² The Local Government Association reports that in 2017 less than a third of children referred to CAMHS received treatment within the year; see Local Government Association, [CAMHS - facts and figures](#) [accessed: 9 July 2020].

¹⁰³ Pulse (2020), ['Revealed: How CAMHS are restricting GPs' referrals'](#), 3 January.

The impact of the coronavirus pandemic on children's mental health is likely to be severe and long-lasting. By July 2020, 81% of children who had previously sought mental health support reported in a survey that their mental health had deteriorated.¹⁰⁴

Factors such as race,¹⁰⁵ deprivation,¹⁰⁶ care experience¹⁰⁷ or gender identity¹⁰⁸ often determine children's access to healthcare. Migrants and asylum seekers also face significant barriers,¹⁰⁹ including, for some, the increasing cost of the immigration health surcharge (IHS) in England.¹¹⁰

We are also concerned about inequalities in health outcomes, such as rising infant mortality rates¹¹¹ and childhood obesity,¹¹² both of which disproportionately affect children from the most deprived areas.

¹⁰⁴ YoungMinds (2020), Coronavirus: Impact on young people with mental health needs, p. 3.

¹⁰⁵ Women and Equalities Committee (2019), Tackling inequalities faced by Gypsy, Roma and Traveller communities, paras. 89–91.

¹⁰⁶ Nuffield Trust (2018), Poor areas left behind on standards of GP care, research reveals.

¹⁰⁷ National Institute for Health and Care Excellence (NICE) (2010, updated 2015), Guidance: looked after children and young people, para. 3.2.

¹⁰⁸ Children's Rights Alliance for England, Children speak out on transgender issues, p. 5 [accessed: 20 July 2020].

¹⁰⁹ EHRC (2018), The lived experiences of access to healthcare for people seeking and refused asylum; Public Health Wales NHS Trust, Swansea University (2019), The Health Experiences of Asylum Seekers and Refugees in Wales.

¹¹⁰ The IHS will rise to £480 per child per year in October 2020. The Immigration (Health Charge) Order 2015.

¹¹¹ Office for National Statistics (2018), Child and infant mortality in England and Wales: 2018, Section 6.

¹¹² Public Health England (2020), National child measurement programme (NCMP): trends in child BMI; and NHS Digital (2019), National Child Measurement Programme, England 2018/19 School Year, Table 1a.

Despite recommendations by UN bodies to prevent unnecessary medical interventions on intersex children,¹¹³ no legislative provision has been made.

One of the most significant threats to the physical well-being of children is the climate crisis and the effects of pollution,¹¹⁴ with at least 4.5 million children in the UK living in areas with unsafe levels of air pollution.¹¹⁵

Recommendations

Mental health

The UK and Welsh governments should:

- ensure that decisions about the provision and prioritisation of mental healthcare for children – during the pandemic and in the longer term – comply with the Public Sector Equality Duty by ensuring adequate data on the need for, access to and outcomes from mental health services for people sharing different protected characteristics is gathered and analysed, and take action to deal with any disproportionate impacts.
- commit to increased, ring-fenced and long-term funding of a range of children's mental health support services and interventions, during and after the pandemic, including pastoral therapeutic care in schools, provision of sufficient community-based support to prevent crisis and unnecessary detentions, along with resources to publicise nationally the availability of these services.
- introduce increased, ring-fenced and long-term funding for CAMHS to match demand, alongside a new strategy to resolve geographic disparities, waiting times and concerns about eligibility criteria.
- urgently develop a robust, cross-departmental child mental health strategy to tackle the growing need for support, with clear and distinct plans to reduce the disproportionate rates of mental health disorders in certain at-risk groups.

¹¹³ Committee on the Rights of the Child (2016), Concluding Observations, paras. 47(c)–(e).

¹¹⁴ See Watts, N., Amann, M., Arnell, N. et al (2019) 'The 2019 Report of The Lancet Countdown on health and climate change: ensuring that the health of a child born today is not defined by a changing climate', *The Lancet*, 16 November, vol. 394, issue 10211, pp. 1836–1878.

¹¹⁵ Unicef UK (2018), A breath of toxic air: UK children in danger, p. 4.

The strategy must include clear time frames, targets, measurable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources.

Physical health

The UK and Welsh governments should:

- urgently address the health inequalities – in both access and outcomes – experienced by children, especially those at particular risk of vulnerability, and set objectives that provide focus to child-specific health policies and services where evidence demonstrates targeted interventions would be effective.
- abolish the Immigration Health Surcharge for children to ensure that all children have access to healthcare when they need it, irrespective of their family circumstances.
- legislate to ensure that non-urgent medical interventions are not carried out on intersex children until there is informed consent, review birth registration rules to allow for instances of babies born with atypical sexual or reproductive anatomy, and make available adequate information, counselling and psychological services for families and children.
- ensure the rights of children, including the right to life and the right to health, are at the forefront of urgent decision-making and action to reduce carbon emissions and air pollution.

8. Violence and personal safety (Articles 19, 34, 35 and 36)

Children continue to be subjected and exposed to violence and abuse, with an estimated 831,000 children in England living in households that report domestic abuse.¹¹⁶ Changes to the UK Government's Domestic Abuse Bill are needed to ensure that all domestic abuse survivors, and their children, can access specialist support services.¹¹⁷

Current provision of support services does not reach all those in need, due largely to funding shortfalls.¹¹⁸ In Wales, for example, it is estimated that 77% of children and young people who experienced domestic abuse in 2018 received no specialist support.¹¹⁹

The number of child sexual offences recorded by police across the UK increased by 57% between 2014/5 and 2019/20.¹²⁰ The IICSA in England and Wales has found extensive evidence that public authorities with responsibility for children's welfare were aware of widespread allegations of child sexual abuse but failed to intervene.¹²¹

We are alarmed at the rise in violence against children during the pandemic.¹²² With schools closed, a vital safeguarding measure disappeared and left children in vulnerable positions at greater risk.

¹¹⁶ Children's Commissioner for England (2019), [Vulnerable groups and latest data](#) [accessed: 7 October 2020].

¹¹⁷ EHRC (2020), [Briefing, Domestic Abuse Bill House of Commons Report Stage and Third Reading](#) [accessed: 20 July 2020].

¹¹⁸ Women's Aid (2019), [The Domestic Abuse Report 2019: The Annual Audit](#), pp. 33 and 38.

¹¹⁹ Welsh Women's Aid (2019), [Children Matter: Children and young people experience violence and abuse too](#) [accessed: 22 July 2020].

¹²⁰ NSPCC (2020), [Child sexual offences jump 57% in 5 years](#).

¹²¹ Independent Inquiry into Child Sexual Abuse (April 2018), [Interim report of the Independent Inquiry into Child Sexual Abuse](#) [accessed: 7 September 2020].

¹²² NSPCC (2020), [Contacts to NSPCC helpline about domestic abuse up by nearly 50%](#) [accessed: 5 October 2020].

Forced marriage and child marriage are continuing areas of concern,¹²³ and reports of so-called 'honour-based' violence to police forces in the UK have increased by 53% since 2014.¹²⁴ The lack of convictions under female genital mutilation legislation may be discouraging girls from coming forward.¹²⁵

In 2019 there were 4,550 referrals for potential child victims of modern slavery and trafficking to the National Referral Mechanism (NRM), compared to 1,278 in 2016.¹²⁶

The increase in NRM referrals is partly attributable to a rise in the identification of 'county lines' exploitation cases, where drug gangs in cities expand their reach to small towns, often across counties.¹²⁷ Efforts to tackle this have been impeded by fragmented policing, governance and funding structures, and poor coordination of resources.¹²⁸

The UK Government has accepted some of the recommendations made in 2019 by the Independent Review of the Modern Slavery Act 2015 (MSA).¹²⁹ However, we were disappointed that it rejected calls to amend the MSA to clarify that children cannot consent to their exploitation.¹³⁰

¹²³ UK Government (2020), [Forced Marriage Unit Statistics 2018](#) [accessed: 7 September 2020].

¹²⁴ IKWRO (2017), [Press release: 53% rise in 'honour' based violence cases reported to the police since the criminalisation of forced marriage](#) [accessed: 7 September 2020].

¹²⁵ House of Commons Home Affairs Committee (2016), [Female genital mutilation: abuse unchecked](#), p. 21 [accessed: 7 September 2020].

¹²⁶ Home Office (2020), [National Referral Mechanism Statistics UK, End of Year Summary, 2019](#), and National Crime Agency (2017), [National Referral Mechanism Statistics – End of Year Summary 2016](#) [accessed: 9 July 2020].

¹²⁷ Home Office (2020), [Modern Slavery: National Referral Mechanism and Duty to Notify Statistics – UK, Quarter 2 2020 – April to June](#) and Home Office (2019), [Independent Review of the Modern Slavery Act 2015: Final Report](#), pp. 32–36 [accessed: 9 July 2020].

¹²⁸ Home Affairs Committee (2019), [Serious youth violence: Sixteenth Report of Session 2017-19](#), and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (2020), [Both sides of the coin: The police and National Crime Agency's response to vulnerable people in 'county lines' drug offending](#), p. 36. [accessed: 3 July 2020].

¹²⁹ Home Office (2019), [Independent Review of the Modern Slavery Act 2015: Final Report](#), pp. 22–29 [accessed: 9 July 2020].

¹³⁰ UK Government (2019), [UK Government response to the Independent Review of the Modern Slavery Act 2015](#), pp. 17–18 [accessed: 9 July 2020].

Recommendations

Violence

The UK Government should:

- legislate to remove the 'no recourse to public funds' condition for survivors of domestic abuse that bars many migrant survivors from accessing services.
- ensure that the Domestic Abuse Bill includes a statutory duty on public authorities to commission community-based services, as well as placing duties on local authorities to provide accommodation-based services (that is, services for those in refuges). This should include specialist services for children and young people who have witnessed domestic abuse in the home, as well as for survivors of abuse in their own relationships.
- ensure that legislation on marriage is in line with the international human rights framework, ensuring the best interests of the child are taken as a primary consideration in marriage legislation and providing adequate safeguards for under-18s.
- ensure thorough investigation of all referrals of forced marriage, including those involving women and girls with learning disabilities.
- prohibit all forms of physical punishment of children, including through the abolition of the 'reasonable punishment' defence.
- allocate additional, ring-fenced funding to local authorities to ensure increased access to support services for children at risk of harm, both during any pandemic-related school closures and following their reopening.
- support all schools in monitoring and identifying indicators of abuse, ensuring schools have the resources to assist those who have experienced abuse in line with a child rights-based and adverse childhood experience (ACE)-aware approach.
- act urgently on all outstanding recommendations of the 2015 HM Inspectorate of Constabulary report on police responses to so-called 'honour-based' violence.

The UK and Welsh governments, where relevant, should:

- ensure that children who witness domestic abuse or who experience abuse or sexual violence receive appropriate support. Governments should develop a sustainable, dedicated and accountable funding model for refuges and domestic abuse services, including those that provide specialist services to Black and ethnic minority women and children, disabled women and children, and women and children with complex needs.

- take appropriate action, without delay, in response to the recommendations of the Independent Inquiry into Child Sexual Abuse.
- ensure that all relevant public sector professionals receive mandatory training in how to identify and support women and girls affected by harmful practices.
- encourage successful prosecutions for female genital mutilation (FGM), through concrete steps including providing training for law enforcement personnel and the judiciary, implementing a comprehensive, coordinated and properly funded FGM strategy, and providing sufficient, sustainable funding to relevant community groups.

Trafficking and exploitation

The UK Government should:

- set out a detailed plan and time frame for implementing the recommendations of the Independent Review of the Modern Slavery Act, including those relating to county lines and the roll-out of Independent Child Trafficking Guardians. As part of this, the UK Government should accept and implement the Independent Review's recommendation regarding the need to make it clear that children cannot consent to their exploitation.

The UK and Welsh governments, where appropriate, should:

- ensure a cross-government, multi-agency approach to identifying, preventing and responding to child exploitation, including child criminal exploitation through county lines, and safeguarding and supporting child victims of trafficking. This should include: providing sufficient and sustainable funding for early intervention services, including youth services, and for specialist support and suitable accommodation placement; and strengthening the National Referral Mechanism to ensure that child survivors are properly identified, safeguarded and supported.

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Published November 2020

ISBN: 978-1-84206-836-6



equalityhumanrights.com

ISBN 978-1-84206-836-6