



Universal Periodic Review: UK 3rd Cycle Briefing on Protection from all Forms of Violence

Suggested Questions for the UK:

- Can the UK and devolved governments outline their plans to prohibit all forms of violence and corporal punishment of children including to repeal the legal defence of 'reasonable chastisement'?
- Can the UK explain the reasoning for continuing to allow the police to use Tasers and other harmful devices on children, including young children?
- Can the UK explain why they allow restraint techniques that deliberately inflict pain on children?
- What plans has the UK to raise the minimum age for armed forces recruitment to 18 years and in the interim, strengthen its safeguards to meet the standards required in Article 3 of the OPAC?

Suggested Recommendations:

- UK and devolved administrations should urgently bring forward legislations to prohibit all forms of violence and corporal punishment of children; and repeal all legal defences as a matter of priority.
- UK and devolved governments should eliminate the use of Tasers on children. Data on the use of mechanical restraints and spithoods must be publicly available and their use on children should be banned.
- UK and devolved governments should ensure restraint against children is only used as a last resort, exclusively to prevent harm to the child or others, and never to deliberately inflict pain.
- The UK must raise the minimum age for armed forces recruitment to 18 years and in the interim, strengthen its safeguards to meet the standards required in Article 3 of the OPAC.

Background

Corporal punishment (recommendations 110.78, 110.79, 110.80)

The UK Government has made very limited progress on recommendations 110.78, 110.79 and 110.80:

Children still do not have the same level of protection from violence as adults. The Welsh Government has committed to take forward legislation to remove the 'reasonable chastisement' defence.¹ A Private Members Bill is to be introduced to the Scottish Parliament in 2007 to repeal the defence of 'justifiable assault' but as yet, the Scottish Government has not committed to support it. A recent review of more than 250 studies show links between corporal punishment and a wide range of negative outcomes.² In England, the Government has proposed to introduce legislation to prohibit corporal punishment in out-of-school educational settings. Though welcome, it does not include all instructive settings, for example, private tuition in the home.³

Violence against children in policing and the criminal justice system

Use of Tasers and harmful devices

The UN Committee on the Rights of the Child said the use of Tasers on children in the UK should be prohibited.⁴ Instead Freedom of Information requests to 44 police forces in England and Wales revealed that in 2015, Taser was used against children at least 538 times. Tasers were fired in 43 of these uses,

with the youngest child fired on just 12 years old.⁵ This represents a 25% increase in the use of Taser on children between 2013 and 2015. Despite some improvements, insufficient centralised data continues to be a problem across Great Britain, there are no specific, national policies to ensure Taser use on children is eliminated and scrutiny and feedback mechanisms are not sufficiently robust to protect children against over-use.

A spit hood is a bag made of mesh-like material, with a drawstring to tighten it, which is put over the head. Mechanical restraints on children can be used in police custody in England and Wales. In June 2016, it emerged that an 11-year-old with a disability was put in leg restraints with a spit hood over her head.⁶ The Independent Police Complaints Commission has investigated the deaths of two adults following the use of spit hoods.⁷ Freedom of Information requests revealed that in the first nine months of 2016 the use of spit hoods on children doubled: at least 24 children in England were hooded (with the youngest recorded age being 15 years old). No official, national records and data on the use of spit hoods are collated and published.

Restraint

Restraint is not used as a last resort.⁸ In July 2012, a new system of restraint in England and Wales was introduced which still includes pain distraction techniques. Restraint can be used on children in Young Offender Institutions (YOIs) for “good order and discipline”. Statistics for year ending March 2016 show that force or “restrictive physical intervention” (RPIs are defined by the Ministry of Justice as “any occasion when force is used with the intention of overpowering or to overpower a young person”) was used on children 4,300 times in the youth secure estate⁹. In the same year there were 90 RPIs involving injury to young people that required medical treatment (3% of these were serious injuries that required hospital treatment).

In Scotland, there is no guidance on use of restraint within non-residential educational settings.¹⁰

Children in armed conflict - recruitment age (recommendations 110.6 and 110.34)

Recommendation 110.6 and 110.34 not met: The UK still recruits children directly into its armed forces from age 16; it is the only country in Europe to do so. In 2016, 24 % of British army recruits were under 18.¹¹ The Ministry of Defence particularly seeks children for recruitment into the infantry, which is the most dangerous branch of the army.¹² Once enlisted, children lose much of the legislative protection to which they are entitled in civilian life, since military law imposes far-reaching obligations and suspends certain fundamental rights.¹³

The risks associated with an armed forces career, such as poor mental health, post-traumatic stress disorder, alcohol misuse, self-harm or suicide, death on operations, long-term unemployment, homelessness, and criminality, are greater for those recruited as children.¹⁴ In 2016, the UN Committee on the Rights of the Child repeated its 2008 recommendation to increase the minimum enlistment age to 18, and criticised as “insufficient” the arrangements for seeking the consent of recruits and their parents. It also criticised the armed forces for making child recruits complete a longer minimum period of service than is required of adult recruits.

Recommendations referenced from the UK’s UPR 2012 (2nd Cycle)

110.78	Reconsider its position about the continued legality of corporal punishment of children	Sweden: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add. 1 - Para. 21	Noted
110.79	Take measures to ensure the freedom of children from physical punishment in accordance with the Convention on the Rights of the Child	Norway: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add. 1 - Para. 21	Noted

110.80	Introduce a ban on all corporal punishment of children as recommended by the CRC and other treaty bodies	Finland: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add. 1 - Para. 21	Noted
110.6	Raise the armed forces minimum recruitment age to 18	Slovenia: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add. 1 - Para. 11	Noted
110.34	Introduce law that will criminalize use of children in military actions	Uzbekistan: A/HRC/21/9 - Para. 110 & A/HRC/21/9/Add. 1 - Para. 10	Supported/Noted

About us

Children's Rights Alliance for England (CRAE)

CRAE works with over 150 organisational and individual members to promote and campaign to protect children's rights and the UNCRC in England. For more information: <http://www.crae.org.uk>

Together (Scottish Alliance for Children's Rights)

Together is an alliance of over 340 NGO and individual members that works to improve the awareness, understanding and implementation of the UNCRC in Scotland. For more information:

<http://www.togetherscotland.org.uk>

Wales UNCRC Monitoring Group

The Wales UNCRC Monitoring Group is a national alliance of non-governmental and academic agencies tasked with monitoring and promoting the UNCRC in Wales. It is currently facilitated by Children in Wales, the national umbrella organisation. For more information: <http://www.childreninwales.org.uk>

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¹ Statement by the First Minister of Wales: Moving Wales Forward 18/05/2016

² Global Initiative to End All Corporal Punishment of Children (2016) *Corporal punishment of children: review of research on its impact and associations, Working Paper*

³ Department for Education (2015) Out-of-school education settings: registration and inspection

⁴ UN Committee on the Rights of the Child (2016) *List of issues in relation to the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland Addendum: Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues*

⁵ StopWatch (2015) *The Policing of Children in England and Wales and International Human Rights Standards: Submission to Committee on the Rights of the Child*

⁶ IPCC (2016) 'IPCC recommends Sussex Police makes improvements after 11-year-old disabled girl held in cells overnight'

⁷ The Independent Police Complaints Commission investigated the death of Jonathan Pluck (in Cambridgeshire in 2009) and is still investigating the death of Terry Smith (in Surrey in November 2013)

⁸ Documented through official statistics as well as footage by the BBC.

⁹ Youth Justice Board and Ministry of Justice (2017) *Youth Justice Statistics for England and Wales 2015/16*

¹⁰ See evidence for Public Petitions to Scottish Parliament for National Guidance on Restraint and Seclusion in schools at www.scottish.parliament.uk/Gettinginvolved/Petitions/PE01548

¹¹ Ministry of Defence (2016) *UK armed forces biannual diversity statistics: 2016*

¹² Ministry of Defence (2013) *Policy on recruiting Under-18s*

¹³ Child Soldiers International (2016) *Child Soldiers at 16: Sifting fact from fiction*

¹⁴ Medact (2016) *The recruitment of Children by the UK Armed Forces: a Critique from Health Professionals*