

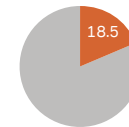
“Country recommendation

The UK government must set out a clear roadmap for how it will meaningfully improve the lives of some of the most vulnerable children in society by producing a children's rights action plan and appointing a Cabinet Minister for Children to ensure oversight and coordination of the action plan takes place at the highest levels of government.

Country
Profile 2023



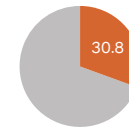
England



Child Population:

10,483,090

18.5% of total population



Child Poverty:

3.7 million

30.8% (2022)

▲ +0.15% compared to 2021

RESPONDENT ORGANISATION(S):

Children's Rights Alliance for England (CRAE)

Children's Rights in England

There remains no cabinet minister with responsibility for children's rights despite [growing calls](#) for one to be established. The minister with responsibility for children within the Department for Education has remained a junior minister since 2018, when the role was demoted.¹

There has not been a child rights strategy to ensure the UN Convention on the Rights of the Child (UNCRC) implementation since 2010, nor sufficient cross-departmental coordination and monitoring mechanisms.

There has been no progress to fully incorporate the UNCRC into UK domestic law in contrast to developments in other parts of the UK.

There is no statutory requirement to carry out Child Rights Impact Assessments (CRIAs). Despite the UK government's claim that 'careful consideration is given to the UNCRC when developing new legislation'², and the development of a template for officials to use, there is little evidence CRIAs are consistently carried out for policy or budgetary decisions.

Further areas relating to the UNCRC General Measures of implementation, alongside recommendations, can be found in the Children's Rights Alliance for England (CRAE)'s [2022 civil society alternative report to the UN Committee on the Rights of the Child](#).

Child participation

Despite progress, many do not take children's views seriously,

and statutory participation rights remain ad hoc and do not apply to all children in all settings. There is often more willingness to involve children [in individual rather than strategic decision-making](#).

There are some welcome structures for involving children in national policymaking, but this is not systematic. UK government consultations do not consistently involve children or are presented in child-friendly language, although there are some positive examples.³

[Children report not feeling part of local decision-making](#) and want inclusion and representation in local democracy. Particular groups of children are less likely to have their voices heard⁴. There has been no progress in lowering the voting age to 16.

Recommendation

A cross-government mechanism with associated funding should be implemented to ensure children's views are systematically considered in policymaking, particularly younger children, and those from underrepresented groups.

Anti-child rights movements

There is growing anti-rights rhetoric in England. The UK government recently proposed repealing the Human Rights Act (HRA). However, these [proposals were shelved](#), after a great joint effort from civil society. Despite this, several pieces of recent legislation dilute the HRA for particular groups⁵. There are also [serious concerns](#) around calls for the UK to withdraw from the European Convention on

¹ Apart from a brief interlude in Autumn 2022.

² See UK government (2022) Combined sixth and seventh periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland under article 44 of the UNCRC, Paragraph 35.

³ For example, the consultation on the development of the Guide for children and young people: Working Together to Safeguard Children that took place in 2022.

⁴ For example, disabled children or under 10 years old.

⁵ The Illegal Migration Act 2023 and the Victim and Prisoners Bill 2023 include clauses removing Section 3 HRA.

Human Rights, including [Cabinet members](#).

Against a broader backdrop of anti-immigration rhetoric, there has been severe regression concerning the rights of children subject to immigration control. Most recently, the [Illegal Migration Act 2023](#) poses a significant threat to the rights of children both under the UNCRC and the Refugee Convention⁶.

Trafficked and missing children

The numbers of potential child victims of exploitation referred to the National Referral Mechanism has continued to rise to [7,019 in 2022](#) (41% of all victims). UK national children are the [fastest growing and largest group](#) referred to, driven by child criminal exploitation (CCE). Despite increasing attention on this issue and a statutory defence⁷, victims of CCE continue to be seen as [offenders rather](#)

[than victims](#). There is also still [no statutory CCE definition](#) for criminal law purposes.

Trafficked and separated children are among those at [greatest risk of going missing](#). An alarmingly high number are never found. Since June 2021, [4,500 unaccompanied children](#) have been placed in asylum hotels. As of April 2023, 447 children have gone missing from these hotels, mostly [within 72 hours](#) of arriving in the UK. ECPAT UK recently [won a legal challenge against the Home Office](#) over housing unaccompanied children in hotels instead of under local authority care (specified in the [Children Act 1989](#)). However, the recent Illegal Migration Act 2023 gives the Home Office the power to [accommodate unaccompanied children](#), which is [deeply concerning](#).

Recommendation

All children arriving in the UK must be cared for by Local Authorities, as required by child welfare legislation.

Children impacted by war and conflict

The UK continues to recruit under-18s to the armed forces, drawn [mostly from deprived neighbourhoods](#). In 2021-2022, 2,800 16-and-17-year-olds were recruited – 23% of total intake. In the army, [under-18 year olds made up 30% of new recruits](#) in the last year, with more soldiers recruited at 16 years old than at any other age.

[A new report](#) presents clear evidence of a high rate of suicide and associated mental health problems in those who join the British armed forces at a young age, particularly those who enlist under the age of 18. Data has also revealed [shocking levels of sexual](#)

[violence](#) towards young recruits, particularly girls.

Recommendations

The country should raise the minimum age for armed forces enlistment to 18. In addition to this, while recruitment of children persists, the UK government must ensure:

- army recruits who enlist as children cannot be made to serve a longer minimum period than those who enlist as adults.
- under-18 recruits have the right to leave the armed forces at will, with no notice period.

Children in migration and refugees

The rights of children in the immigration system have been further diminished by the [Illegal Migration Act 2023](#). This Act denies many refugees, including children, the opportunity to put forward their asylum or human rights claim and

⁶ See the 2023 Concluding Observations on the UK, Paragraph 50(a).

⁷ Section 45 Modern Slavery Act 2015.

undermines the very purpose of the Refugee Convention.

Under new provisions, children who have not arrived via the very limited 'safe routes' will be blocked from protection as refugees and victims of trafficking, deprived of pathways to assess their best interests and safeguarding needs. Yet legal routes to the UK for unaccompanied children and families seeking protection are increasingly limited. People seeking asylum are thereby forced to make dangerous journeys to the UK, with an [increase in people crossing the Channel in small boats](#), including children and families with infants, leading to a number of [child deaths](#). In 2022 alone, [7,177 children](#) made the journey to the UK in small boats – around 16% of the total (45,755).

Since 2014, unaccompanied children could only be detained for 24 hours and children in families a maximum of seven

days, but [the Act reversed this position](#). Children in families can be detained indefinitely, and only a small group of unaccompanied children can apply for bail after eight days.

Age disputes [increased by 195%](#) in 2021, and unaccompanied asylum-seeking children are increasingly [wrongly assessed as adults](#).⁸ [Medical bodies](#) and [non-governmental organisations](#) have widely condemned new methods to determine age as inaccurate, unethical and potentially harmful.

Recommendations

- To urgently scrap the Illegal Migration Act and Nationality and Borders Act and to instead create adequate, safe, and legal routes for children seeking protection to enter the UK and ensure child refugees have the right to sponsor their close family to join them.
- The country must also scrap

powers to determine children's ages through unreliable and invasive means.

Children's mental health

The pandemic caused an [unprecedented increase](#) in demand for Child and Adolescent Mental Health Services (CAHMS), particularly eating disorders. 409,347 children were referred for specialist mental healthcare, including suicidal thoughts and self-harm⁹, up from 230,591 in 2019. 450,000 children are waiting or undergoing treatment for a mental health condition – [the highest number on record since 2016](#). Children face high access thresholds, [rejected referrals](#), and long waiting lists.

[Inappropriate adult ward admissions persist](#) along with stays in inpatient wards for long periods, far from home, despite the UK government committing to [improve inpatient care for children](#).

[Black and mixed-race children](#) accounted for 36% of young people detained in acute mental health services¹⁰, but only 5% of those accessing community based CAMHS.

Recommendations

To take urgent steps to:

- increase the provision of preventative and early intervention support within education and community settings, including the national roll-out of early support hubs;
- ensure children can receive mental health treatment and support near their home;
- prevent unnecessary, prolonged stays in inpatient settings and address racial disproportionality;
- ensure high-quality treatment.

8 There were 6,177 age disputes between 2016-21 - 42% were subsequently determined to be children.

9 April-October 2021.

10 Despite making up 11% of the population.

Children in contact with the criminal justice system

Despite progress¹¹, urgent reform of the child justice system is needed to respect children's rights, including raising the mandatory age of criminal responsibility (MACR). England and Wales have the lowest MACR in Europe – at just ten years old. Children in contact with the criminal justice system are often extremely vulnerable but frequently treated separately from other vulnerable children. Racial discrimination is stark within children's interaction with police and across the youth justice system.

Police 'use of force' on children continues to increase. For the year ending March 2022, there were 88,340 use of force tactics involving children (10% of all

recorded incidents); of those, 812 were under 11 years old. Types of force include limb and body restraints, batons, irritant spray, Taser, and spit-hoods. There is significant racial disproportionality in the 'use of force' on children.

Children's rights are being violated through strip searching, including in schools, without the presence of an appropriate adult (required by law). For the year ending March 2022, 3,133 10-17-year-olds were strip-searched in police custody – 9% of all children in police custody¹², and research revealed 25% of strip searches by the London Metropolitan Police Service were on 10-15-year-olds.

Police custody is completely unsuitable and traumatic for children. In the year ending March 2022, 35,114 children were detained in police custody - 45%

of these were detained overnight. 21% of children detained overnight were Black¹³ and 244 children were aged 12 and under and nine were just ten years old.

In 2021-2022, there were an average of 450 children in prison at any one time. Shockingly, 52% of those imprisoned are racialised children, with 28% Black. 45% of all children in prison are on remand, yet 73% of these do not subsequently receive a custodial sentence. The UK government predicts the number of children in custody will steeply increase, more than doubling by September 2024, but has no preventative strategy.

Most children are held in prison-like Secure Training Centres (STCs) or Young Offender Institutions (YOIs), with only 16% in welfare-based Secure Children's

Homes. The Independent Review of Children's Social Care concluded that YOIs and STCs are 'wholly unsuitable' for children and 'should be phased out within the next ten years.'

During the pandemic, children were subjected to awful conditions characterised by poor in-cell provision, withdrawal of support services, and deprived of education and visits. Serious concerns about the safety of children in prison remain, particularly given that the use of stun grenades¹⁴ and dogs on children in YOIs has recently surfaced alongside a proposal to roll out PAVA irritant spray¹⁵. The Chief Inspector of Prisons recently concluded that 'levels of violence remained much too high' in almost all YOIs and STCs.

11 See Standards for children in the youth justice system and A smarter approach to sentencing.

12 Actual figure likely to be higher given data is for 28 of 43 police forces.

13 Black/African/Caribbean/Black British.

14 Stun grenades, also known as 'flashbangs', are designed to produce a blinding flash of light and an intensely loud 'bang'. A type of stun grenade called Nico 9 is used in children's prisons which emits a blinding light and nine bangs at 170 decibels. Their effects can include flash blindness, deafness and tinnitus.

15 PAVA is Pelargonic Acid Vanillylamide, a synthetic incapacitant, which was rolled out to staff in the adult male prison estate in England and Wales at the end of 2018.

Recommendations

- To significantly raise the mandatory age of criminal responsibility, and set a much-reduced statutory limit on child detention in police custody.
- To urgently develop a national strategy and improvement plan, including steps to:
 - Prevent the predicted increase of children in prison and address racial disproportionality;
 - Repair the harm to children who were in prison during Covid-19;
 - Close child prisons and improve them in the interim.
- The UK government should eliminate the use of Tasers on children and as an immediate step, significantly improve regulations, training, and guidance. It must ensure children are not subject to strip-searching apart from in

the rarest circumstances; that the use of dogs and ‘flash-bangs’ in child prisons are banned and ensure that PAVA spray is not rolled out.

- The UK government must urgently address the disproportionate use of force on racialised groups of children.

Poverty and Social Exclusion – Experiences of children, families, and communities

Child poverty in England

In 2021/22, there were 3.7 million children in England living in poverty (after housing costs)¹⁶. Children are more likely to be in poverty than the rest of the population, with child poverty rising in absolute and relative terms for nearly a decade. Around 1.8 million

children are in very deep poverty, with a household income so low it cannot cover basic needs.

Certain children in England face particularly high poverty rates, including those in:

- households headed by those from racialised groups - 49%;
- single-parent families - 46%;
- families containing three or more children - 44%;
- families where a child is disabled - 37%.

The benefits system is not fit for purpose. The Benefit Cap has been frozen since November 2016 despite considerable rises in the cost-of-living. Research by Child Poverty Action Group found that families affected by the policy have as little as £44 a week to live on after housing costs.

The Two-Child Limit¹⁷ has also detrimentally impacted children’s living standards. In April 2023, 422,000 households with a third or subsequent child born, were affected by the two-child limit. Some ethnic and religious groups are more likely to have larger families and are disproportionately affected, exacerbating inequalities.

In 2020/21, 1.9 million children were eligible for free school meals (FSM) in England (an increase of 160,000), but the current very low-income threshold of £7,400 means one in three children living in poverty (800,000) are denied access to FSM.

¹⁶ Classified as ‘Relative low income’, meaning household income is below 60% of the median. Source: The UK Department for Work & Pensions’ summary publication of the Households Below Average Income dataset for 2021-2022. Most analysis is UK-wide. Data breakdowns for England available [here](#).

¹⁷ The Two-Child Limit restricts child allowances in universal credit and tax credits worth £2,935 per year to the first two children in a family unless the children were born before 6th April 2017 when the policy came into force.

Alongside this, anyone with No Recourse to Public Funds (NRPF) cannot access mainstream benefits. This is either because they are undocumented and have an unresolved immigration status or because they have a legal right to remain in this country but have an attached NRPF condition on their leave to remain. There is [widespread evidence](#) it puts children at risk of destitution, exploitation and abuse.

Recommendations

- Re-establish a national strategy to end child poverty and increase social security benefits for families.
- Abolish the Two-Child Limit and Benefit Cap and expand eligibility for FSM to all those on Universal Credit.
- Ensure the NRPF policy is not applied to families with children.



Eurochild advocates for children's rights and well-being to be at the heart of policymaking. We are a network of organisations working with and for children throughout Europe, striving for a society that respects the rights of children. We influence policies, build internal capacities, facilitate mutual learning and exchange practice and research. The United Nations Convention on the Rights of the Child is the foundation of all our work.



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