

**UNCRC – 72nd session – examination of
the United Kingdom
Supplementary evidence April 2016.**

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We are pleased to see that the Committee's comprehensive list of issues on which the State Party will be examined in the 72nd session include many on which the National Secular Society submitted evidence to the Pre-session Working Group in July 2015.¹

Since that time (and the PSWG in October 2015) there have been developments these areas, and we offer the following updates/supplementary information:

Part 1) -7: Please explain the measures taken to protect children, in particular Muslim children, from stigmatizing effects of the counter-terrorism measures.

1. We also invite the Committee to ask what steps are being taken to ensure that children particularly Muslim children are not being alienated or discouraged from raising concerns or accessing safeguarding programmes because of organised disinformation campaigns against such programmes.²

Part 1) -15: Please clarify whether sex and relationship education is provided in all education settings, including special schools for children with disabilities and special educational needs, and through education provided in the youth detention centres, such as young offender institutions and secure training centres. Please also clarify whether sex and relationship education includes information on how to access confidential sexual and reproductive health-care services, contraceptives, and support in cases of sexual abuse or exploitation.

2. Since October 2015 the UK Government has rejected the Education Select Committee's and other experts' recommendations to make SRE statutory and compulsory in all schools³ and blocked a private member's bill attempting to legislate for such a requirement.⁴
3. We invite the Committee to question how these actions are consistent with previous UNCRC recommendations and the State Party's obligations under the Convention.

¹ <https://www.secularism.org.uk/uploads/uncrc-pswg72-nss-submission.pdf>

² <http://www.telegraph.co.uk/news/uknews/terrorism-in-the-uk/12132054/Organised-campaign-to-hobble-anti-terror-fight.html>

³ <http://www.independent.co.uk/news/uk/politics/government-poised-to-rule-out-compulsory-sex-education-in-primary-schools-a6743651.html>

⁴ <https://www.secularism.org.uk/news/2015/07/nss-welcomes-caroline-lucas-bill-on-compulsory-pshe-and-sex-education>

4. While many schools practise good sex and relationship education (SRE) which includes information on how to access confidential sexual and reproductive health-care services, contraceptives, and support in cases of sexual abuse or exploitation, many do not.
5. LGBT children are also put at risk by the ability of faith schools to teach SRE within their religious framework, which can ignore LGBT issues or include negative or discriminatory teachings about LGBT sex and relationships.⁵ SRE taught through a religious ethos can also deny children access to information about reproductive health-care services and contraceptives.⁶
6. In our evidence to the PSWG we raised our concern that successive governments have permitted parents to withdraw their children from some parts of sex education lessons. Which potentially leave children vulnerable where parents exercising the right of withdrawal, often on religious grounds, may not be providing this information at home.
7. We do not believe that these concerns can be divorced from those raised by the Committee in Part 1 Item 15. We therefore invite the Committee to question the State Party on how the current arrangements over parental right of withdraw relate to the State Party's convention responsibilities.

Part 1) -18: Please provide information on the efforts to end the segregation in education in schools in Northern Ireland and to end academic selection for post-primary education on the basis of transfer tests.

8. We see little evidence on, or enthusiasm, for progress in this area despite the Committee's previous recommendations. At present around 93% of children in Northern Ireland attend religiously segregated schools.
9. We therefore urge the Committee to strongly recommend that the State Party makes a commitment to phase out religiously segregated publicly-funded schools in Northern Ireland and replace them with integrated schools within a defined and reasonable timeframe.
10. We invite the Committee to strongly recommend that the State Party follows up this commitment by inviting partners in the education sector to bring forward proposals to accelerate the growth of integrated non-discriminatory schools – as recommended by the Committee. Such partners could include Integrated Education Northern Ireland⁷ and the educational charity Educate Together – which has wide experience in overcoming issues with segregation and obstacles to integrated schools in the Republic of Ireland.⁸
11. Although the situation vis-à-vis religious segregation of school children and the potential breeches of children's Convention rights is particularly extreme in Northern Ireland, many state funded schools in England, Scotland and Wales are also free to discriminate against potential pupils on the basis of their parents' religion or belief.
12. We urge that the Committee takes this opportunity to recommend that the State Party ensures that all new schools are fully inclusive and equally welcoming to children of all religion and belief

⁵ <http://www.pinknews.co.uk/2016/03/29/comment-sex-education-is-letting-british-teenagers-down/>

⁶ <https://www.secularism.org.uk/news/2015/07/diocese-stresses-purity-and-virtue-of-chastity-in-catholic-schools-sex-education-guidelines>

⁷ <http://www.nicie.org/>

⁸ <https://www.secularism.org.uk/news/2016/03/educate-together-awarded-secularist-of-the-year-prize>

backgrounds; prepare children for their role as equal citizens of a multicultural, religiously diverse liberal democracy; and encourage the development of children's autonomy.

13. We urge that the Committee takes this opportunity to recommend that the State Party ensures that sufficient places at non-religious publicly-funded schools are available in all areas to preclude any need for children to be allocated to schools run by a religion with which the parents are not connected, or that would conflict with the parents' philosophical convictions.

Part 1) -22: With respect to the concluding observations on the report submitted by the State party under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/GBR/CO/1), please update the Committee on the measures taken or planned to implement its recommendations. Please also update the Committee on any follow-up to the recent inquiries on child sexual abuse and exploitation, including child sexual exploitation by gang groups in Rotherham (Jay inquiry) and sexual abuse by the clergy (Goddard inquiry).

14. The last nine months have continued to see a series of revelations over systemic child abuse in UK institutions.
15. An important development is the launch of the Independent Inquiry into Child Sexual Abuse (IICSA), chaired by Hon Justice Lowell Goddard. The Committee's questioning and recommendations should ensure that the IICSA's (and similar inquiries in Scotland and Northern Ireland) terms of reference (ToR) and powers of discovery are sufficient to ensuring that the State Party is meeting its obligations to the UNCRC.
16. The IICSA relates solely to England & Wales, is not solely concerned with clerical abuse, although abuse in the Anglican and Catholic Churches are among the first areas of investigation. Others are Cambridge House, Knowl View and Rochdale, Children in Custodial Institutions, Children outside the UK, Child Sexual Exploitation by Organised Networks, three institution or area-specific inquiries (Lambeth Council, Nottinghamshire Councils, Rochdale and Westminster, Cambridge House, Knowl View), Residential Schools, The Internet and the late Lord (Greville) Janner.
17. We invite the Committee to examine the terms of reference (ToRs) of all the national Inquiries (England & Wales, Scotland and Northern Ireland) and their powers, e.g. of discovery, summoning witnesses and the extent to which evidence is given under oath and therefore open to charges of perjury if incorrect, and whether the ToRs include investigations into potential breaches of relevant aspects of the Convention and optional protocols.
18. Our assessment of the Scottish⁹ and Northern Ireland¹⁰ inquiries are that their terms of reference are worryingly narrower and restricted than the Goddard Inquiry. Scotland's only include children "in care" Northern Ireland's also only include children in care, specifically not those in schools (nor those abused by clerics). These Inquiries do not cover other cases of clerical abuse.
19. Even on their limited ToR, victims have expressed strong dissatisfaction with both Inquiries. The Scottish Inquiry is progressing so badly victims are threatening to boycott it because they allege failure or refusal of the relevant Minister even to meet victim groups.¹¹ There appears to be no

⁹ <https://www.childabuseinquiry.scot/about-the-inquiry/terms-of-reference/>

¹⁰ http://www.hiainquiry.org/index/acknowledgement_forum/terms-of-reference.htm

¹¹ http://www.heraldscotland.com/news/14190409.Boycott_threat_to_historic_child_abuse_inquiry/

provision for compensation of Scottish victims for the abuse itself, solely compensation being limited to modest legal expenses¹² and possibly for loss of time. Amnesty is leading the call for the Northern Ireland Assembly to consider compensation for victims, something we believe would be a Convention right.

20. There are serious grounds for concern that abuse will be found to have been much more prevalent in Scotland and Northern Ireland per capita than in England. Scotland's Cardinal O'Brien blocked an independent inquiry into cases of historic sexual abuse a year before resigning over his own inappropriate sexual conduct, the Catholic Church has admitted. Cardinal O'Brien was reportedly a "predator" who was involved in dozens of cases of sexual misconduct dating back to the 1980s. Several Catholic dioceses straddle the border between Northern Ireland and Ireland, where reported abuse has been on an internationally unprecedented scale.
21. It seems plausible that the ToRs have been restricted to save embarrassment for the Church, which is very influential in both countries.
22. We recommend that the Inquiry ToRs are tightened throughout the UK at least to the level of those of the IICSA for England & Wales, and for all to be augmented as appropriate by any additional elements arising from the examination of ToRs we invite above.
23. We further recommend that the Committee asks the State Party to take all necessary steps to ensure:
24. Mandatory reporting of abuse connected with institutions, including clerical institutions, with appropriate criminal sanctions for non-compliance and for destroying evidence and not providing evidence that is available.
25. A complete lifting of time bars / and statutes of limitations for criminal, civil cases and for legal aid purposes.
26. Child sexual exploitation by gang groups is outside our own remit, so we simply that the Committee may wish to enquire about the many other cities in England where similar gang exploitation has been uncovered, and what has been learned from these collectively and what action is being taken collectively. We understand the other cities include Derby, Oldham, Oxford, Peterborough and Stockport.
27. We recommend that the State Party is asked to report on the effectiveness and application of the Code of Practice for Victims of Crime¹³ in England and Wales and equivalent codes in other parts of the UK, enquire what systematic steps are taken to publicise the Code and to audit compliance with the Code and remedy shortcomings.

Other

28. We are disappointed that the Committee has declined to raise any issues of children's freedom of religion and belief in this session. As one example we point to the concerns we raised in our evidence to the PSWG was the children's rights implications of the UK nations' various laws on collective worship.

¹² <https://www.childabuseinquiry.scot/media/1121/determination.pdf>

¹³ [http://www.cps.gov.uk/legal/v to z/code of practice for the victims of crime \(victim s code\) - legal guidance/#a03](http://www.cps.gov.uk/legal/v%20to%20z/code%20of%20practice%20for%20the%20victims%20of%20crime%20(victim%20s%20code)%20-%20legal%20guidance/#a03)

29. Since our submission the issue of imposed worship in schools has been the subject of significant academic interest¹⁴. Senior academics have warned of "significant concerns" about the imposition of collective worship – arguing that it may violate the right to freedom of religion and belief. Speaking at a conference to launch the report UN Special Rapporteur Heiner Bielefeldt said reform of the law regarding collective worship was "necessary".¹⁵

¹⁴ <https://www.secularism.org.uk/uploads/ahrc-network-report-collective-worship-religious-observance-law-and-policy.pdf>

¹⁵ <https://www.secularism.org.uk/blog/2016/02/classrooms-should-be-free-from-an-overbearing-religious-ethos>