

1 Ardleigh Road

London N1 4HS

Tel: 020 7249 7373

Fax: 020 7249 7788

Email: info@howardleague.org

Web: www.howardleague.org

Committee on the Rights of the Child
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais Wilson – 52, rue des Pâquis
CH-1201 Geneva, Switzerland

Sent via email to crc@ohchr.org and secretariat@childrightsconnect.org

14 April 2016

Dear Friends

Additional submission to the United Nations Committee on the Rights of the Child on the UK government's compliance with the UNCRC – response to the list of issues

Introduction

The Howard League provided a full submission to the Committee in 2015 to assist with its fifth periodic examination of the UK government's compliance with the United Nations Convention on the Rights of the Child. The purpose of this short submission is to provide updated information on areas included in the List of Issues, as set out by the Committee. It should be read in conjunction with our main submission, which is available at:

http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GBR/INT_CRC_NGO_GBR_2106_3_E.pdf

About us

Founded in 1866, the Howard League is the oldest penal reform charity in the world and is the leading non-governmental organisation dealing with penal reform in the United Kingdom. It was awarded special consultative status with the United Nations in 1947.

The Howard League provides an expert legal service for children and young adults in prison (under 21). As the only national service dedicated to representing this age group of prisoners, in both custody and on their release to the community, we are uniquely positioned to advise on how to improve outcomes for this vulnerable group. We are an independent charity which accepts no grant funding from the UK government.

Restraint

Updated figures on the use of restraint in child prisons were published in January 2016. In the year ending March 2015 children in England and Wales were restrained 4,837 times.¹

Data provided to parliament in April 2016 revealed that the number of injuries sustained by

¹ <https://www.gov.uk/government/statistics/youth-justice-annual-statistics-2014-to-2015>

children whilst being restrained was almost four times the amount previously reported by the Youth Justice Board. In the five years to March 2015, children sustained 4,284 injuries. The Youth Justice Board had previously declared that there were 1,171 injuries as a result of restraint for the same period.²

In January 2016 an undercover investigation by the Panorama programme aired on the BBC displaying serious allegations of child abuse, coercion and falsification of records at Medway secure training centre. The police investigation into these allegations is ongoing. In February 2016 G4S, the company that currently runs Medway secure training centre, announced that it is selling its UK children's services business, including its contracts for two secure training centres.³

In September 2015 the government announced that it had awarded a five-year contract to run Rainsbrook secure training centre to MTCNovo. The company will take over the operation of the centre on 5 May 2016.⁴ The Howard League has raised concerns with the government about the suitability of the company to run a children's prison given its record of human rights violations in its prisons in the US. One of their prisons was criticised by a federal judge as a "horror as should be unrealised anywhere in the civilised world".⁵ In response to concerns raised in parliament, the Minister of State for Civil Justice said that "there were no findings of a breach in human rights or equality legislation" during the "robust and rigorous assessment" of MTCNovo's bid to run the prison.⁶

Segregation

In its response to the Committee's List of Issues, the government have only included instances of single separation in secure children's homes and secure training centres. They have not included updated figures regarding the number of children segregated in young offenders' institutions. This is because these figures are not centrally recorded by the government. Information is included, however, in inspection reports produced by HM Inspectorate of Prisons.

Further to the information on segregation outlined in our main submission, recent inspections of have found:

- At Feltham young offenders' institution there had been 295 instances of segregation in the six months prior to the inspection, an increase of 37 per cent since the previous inspection. The segregation regime resembled that of an adult prison, with the added disadvantage of no in-cell electricity and no interview rooms, so that teachers, for example, could not work face-to-face with segregated boys. Inspectors found that some staff being managed under self-harm and suicide procedures (ACCT) were locked up for too long with nothing to do and prison documents confirmed that a number had self-harmed because of the isolation of these restricted regimes.⁷
- At Werrington young offenders' institution 125 boys had been segregated in the six months prior to the inspection. This was fewer than at the previous inspection. The proportion of boys staying longer than 10 days, however, had increased and concerns were raised about the increasing number of boys who were segregated for excessive periods: one boy had spent 89 days in the segregation unit. Twenty-three boys had been segregated while on an open ACCT document during six months prior to the inspection.⁸

² http://www.theyworkforyou.com/wrans/?id=2016-02-23_28142.h&s

³ <http://www.g4s.com/en/Media%20Centre/News/2016/02/26/G4S%20Sale%20of%20UK%20Childrens%20Services%20business>

⁴ <https://www.gov.uk/government/news/contract-award-announced-for-rainsbrook-and-medway-secure-training-centres>

⁵ https://d19y1po4aovc7m.cloudfront.net/fileadmin/howard_league/user/pdf/Letters/Letter to Lord McNally re MTCNovo Rainbrook 05 Nov 2015.pdf

⁶ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2015-10-05/HL2390/>

⁷ <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2015/11/Feltham-A-Web-2015.pdf>

⁸ <https://www.justiceinspectorates.gov.uk/hmiprisonswp-content/uploads/sites/4/2016/03/Werrington-Web-2016.pdf>

Following the Supreme Court judgment on the use of segregation⁹, the government introduced a new regime that requires external authorisation of all decisions to segregate people beyond 42 days. As a matter of policy the Ministry of Justice has decided to review decisions to segregate children beyond 21 days. The Howard League has raised concerns regarding this policy, which cannot safeguard children from the potentially irreversible damage that international experts recognise can set in after 15 days.¹⁰ A review of segregation that was promised in the early new year is yet to materialise. The Howard League legal team continues to assist children who are detained for extended periods in isolation.

Remands

The government is correct in its submission to the committee that, in theory, the statutory threshold for remand was raised in 2012. It has not, however, provided updated figures that raise concerns that this threshold is not being implemented in practice.

In the year ending March 2015, children were remanded to prison on 1,456 occasions, accounting for 23 per cent of the total child custody population. 66 per cent of children remanded to prison did not go on to receive a custodial sentence – 32 per cent were acquitted and 34 per cent were given other court convictions. 52 per cent of children held on remand were from Black and Minority Ethnic (BME) backgrounds.¹¹

The latest statistics show that as of February 2016, 205 children were on remand in prison. This is a decrease of 20 compared to the same point last year, when 225 children were on remand.

If you require any further information, please do not hesitate to get in touch.

Yours sincerely



Frances Crook

⁹ <https://www.supremecourt.uk/cases/uksc-2013-0230.html>

¹⁰ <http://www.un.org/press/en/2011/gashe4014.doc.htm>

¹¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495708/youth-justice-statistics-2014-to-2015.pdf