

“YOU FEEL LIKE YOU’RE NOTHING”

The UN study on violence against children



A contribution to the UN Violence Study from the
Children's Rights Alliance for England and the NSPCC



FOREWORD

*“No violence against children is justifiable;
all violence against children is preventable.”*

These are the first words of the independent study commissioned by the United Nations Secretary-General on violence against children, presented to the General Assembly on 23 August 2006, and they are the principles on which this report is founded.

The UN study describes forms of violence that no longer exist in the UK. We do not execute children, we do not beat them in schools, and we do not break children's bodies under conditions of hazardous labour. Of course these horrors used to exist in this country, quite legally, until brave and energetic people campaigned for their abolition. We must therefore be hopeful that the same rejection of violence against children will continue around the world.

There are certainly no grounds for complacency in the UK. Some of the barbarous treatment of children overseas is a direct legacy of the British Empire. This includes corporal punishment in schools, or the maintenance of the age of criminal responsibility at seven years in many ex-colonial states.

Where our own country is concerned, we must feel a deep sense of shame at the violence against children revealed in this report. Living in the fifth richest country in the world, in a country that has enjoyed 200 years of social reform, children in the UK are still being killed, tortured, bullied, commercially sexually exploited, and physically and mentally scarred by violence.

None of this violence is reasonable and much of it could be prevented, or at least diminished, by state action. While we may be optimistic that the world is progressing away from the violent treatment of children, we cannot – must not – be satisfied with a “steady” pace of change. While we wait for parents to reject corporal punishment, or for the electorate to realise that prison is no solution to juvenile crime, the lives of children are being sacrificed. Children cannot wait: they need protection and positive intervention while their minds and bodies are still growing, not apologies and compensation when they are adults. We must stop this violence now.

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INTRODUCTION

“For the first time, a global study on children involved children themselves”



The UN study

In 2002, the then United Nations Secretary-General appointed Paulo Sérgio Pinheiro as independent expert to provide a global picture of violence against children and to propose recommendations for the prevention of violence. Many member states, including the UK Government, provided detailed information to the study, as did expert bodies. For the first time, a global study on children involved children themselves. Nine regional consultations were held, where children had the opportunity to express their views to their own government ministers and parliamentarians, as well as those preparing the study. In May 2006, some of these children met in New York to consolidate recommendations for further action.

The study defined a child as being anyone under the age of 18. Its definition of violence drew on Article 19 of the Convention on the Rights of the Child, stating: “all forms of physical or mental violence, injury and abuse, neglect and negligent treatment, maltreatment or exploitation, including sexual abuse”, and on the World Health Organisation’s definition: “The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation”.¹

The study’s recommendations consist of a set of overarching recommendations and a set of specific recommendations, which apply to home and families, schools and other educational settings, institutions for care or detention, the workplace and the community.² They are addressed primarily to States, although some also embrace non-governmental agencies and individuals, including parents and children. They are reproduced at the end of this report in Appendix 1.

The report

This report has been prepared in parallel with the UN study and, like the study, looks at the different settings in which violence to children occurs – the home, alternative forms of care, schools, public spaces and the criminal justice system. The last section focuses on forms of violence perpetrated by minority cultural groups through “traditional practices prejudicial to the health of children”, as stated by the Convention on the Rights of the Child.³ The views and experiences of particular groups of children who are more vulnerable to violence because of age, race, disability, sexual orientation and so forth, are included throughout the document rather than in separate sections.

Most sections have three parts:

- *What children experience*
- *What children say* and
- *What needs to be done*

What children experience

aims to provide sufficient information about prevalence and analysis of various forms of violence suffered by children in particular settings to give a snapshot of the scale of the problem. We have tried to be as up-to-date and accurate as possible, but inevitably there are gaps and contradictions, and even, very occasionally, a superabundance of information which has had to be pared down.

What children say

draws from existing publications revealing children’s views, but also includes original material gathered for the specific purpose of contributing to this report. The NSPCC Children and Young People’s Participation Officer worked in 2004 and 2005 in a facilitative role to support the involvement of children across England, including the creation of a core group of children who attended key national and international events relating to the study, and a larger group, which attended workshops, responded to questionnaires or submitted written testimonies about their views and experiences of violence. Many of their words, drawings and poems appear in this report. A full description of how they participated is given in Appendix 2.

What needs to be done

sets out some of the recommendations of the NSPCC and the Children's Rights Alliance for England (CRAE) on how to prevent or stop the different forms of violence British children experience. Like the UN study, these recommendations are primarily directed at the Government, although sometimes changes to the practice of local government or professional bodies are included. These recommendations are derived from human rights obligations and what we know of children's views and experiences; all are achievable. Many of our recommendations reflect those in the UN report; none contradict it.

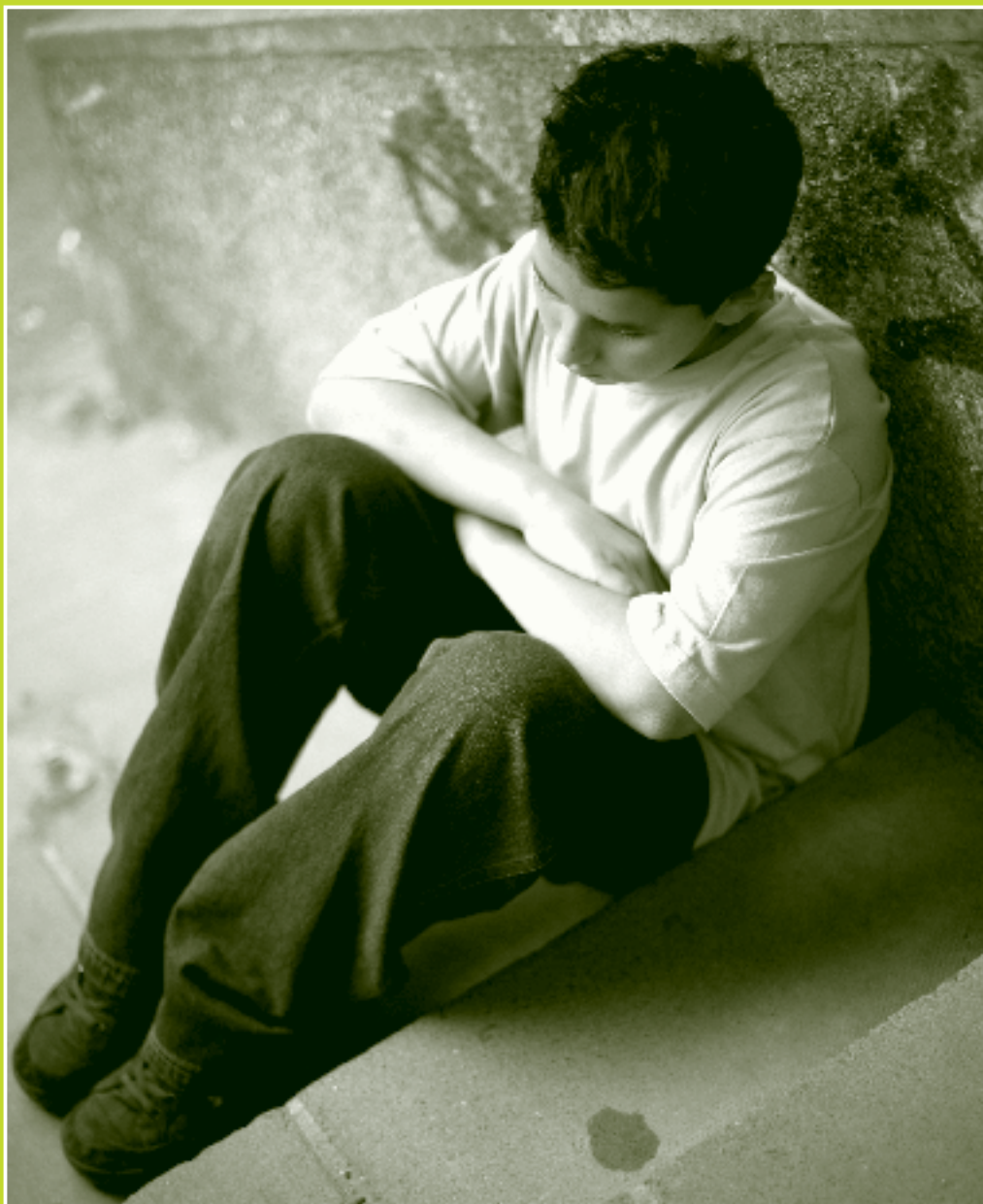
Guiding principles

We define a child as a person under the age of 18 (Article 1, Convention on the Rights of the Child).

In formulating recommendations for law, policy and practice, we have taken full account of the UK's human rights obligations – principally the Convention on the Rights of the Child, but also other human rights instruments. This year the UK Government is scrutinised by the Committee on the Rights of the Child for its implementation of the Convention on the Rights of the child. Much of our report focuses on children's views and experiences. We believe that the testimonies and recommendations of children affected by violence should be driving our efforts to end violence.

THE OVERALL PICTURE

“We must do everything to end all forms of violence against children”



“YOU FEEL LIKE YOU’RE NOTHING”

“In one year in this city of 100,000 young people, at least 38,000 children under the age of 13 will be hit, whacked, beaten, slapped or smacked.”

Imagine a large English city – bigger than York, smaller than Birmingham. One hundred thousand children live in this city.

In an average year one child aged under 15 in this city will be murdered, probably by his or her parent.⁴ In the same year 240 children will be on the child protection register as a result of having been mistreated. Forty-six of these will have been physically assaulted and 24 sexually abused. The rest will have been neglected or abused in other ways.⁵

These figures reflect official statistics on violence against children. Another grim picture lies, less visibly, beneath official figures.

In the city’s homes, large numbers of young children will routinely endure physical pain at the hands of their own parents. In one year in this city of 100,000 young people, at least 38,000 children under the age of 13 will be hit, whacked, beaten, slapped or smacked.^A Three-quarters of the babies born that year in this city will be hit before their first birthday. Around 3,500 children will experience corporal punishment deemed to be “severe”, and should doubtless join those 51 children whose physical abuse merits investigation by the authorities.⁶

As many as 11,000 of the city’s children will, at some point in their childhood, be sexually assaulted by touching or penetration. Most will know their abuser and most will not tell anyone about it. Only a small proportion will see the abuse brought to an end.⁷

For the older children, those allowed out without their parents, the streets and playgrounds of this mythical city are far from safe. Young people are often (and often *expect* to be) victims of assault, mugging and robbery. They are easy prey for lunch money, mobile phones, trainers, iPods, bicycles and other desirables. In the course of a year, nearly a quarter of children aged 10–15 years in the city will experience a criminal assault, mostly at the hands of other young people. Thirty-two per cent will be injured during the crime; over half will suffer a repeated assault sometime during the same year.⁸

Most of those assaults will occur on school grounds. Within this year, around a third of the children will experience bullying at school,⁹ disproportionately if they are from a minority ethnic group or are perceived to be gay or disabled.¹⁰

Like all cities, this imaginary urban centre has a number of children living away from home in foster care, children’s homes and boarding schools. Some are well taken care of and have caring people they can turn to; others are isolated, unhappy, even actively mistreated. Nine or 10 children are locked in Young Offender Institutions (YOIs) or secure training centres (STCs); one child is in an immigration detention centre. Their incarceration will almost invariably cause psychological harm, and some of the children may additionally experience physical assaults or painful restraints.

There may also be a child in this city who is exploited as a domestic servant, who is trafficked into commercial sexual exploitation, tortured as a witch, raped in a forced marriage, or filmed in a pornographic video. These are the children who slip through the cracks in our society. Their numbers are unknown.

Our planet is plagued by violence, even in democratic countries such as the United Kingdom. But violence is not an unalterable part of being human. It is largely learned behaviour – learned in childhood – and could be unlearned if we put our minds to it. What we need to do is obvious: we must do everything to end all forms of violence against children.

^A Some of these words are used to legitimise physical violence to children – for example, arguments that “smacking” is not “hitting”.

1. RESEARCH INTO VIOLENCE AGAINST CHILDREN

“One thing that the study should do is to find the root of it, to find out why people are violent, why they feel that they need to hurt somebody else.” (Boy, 15)



Official statistics are useful in assessing the extent of some forms of violence against children, but are often limited, representing only the tip of the iceberg.

Charting the prevalence of all forms of violence against children in England or any other country is not straightforward. Violence against children takes many forms and occurs in all the settings in which children find themselves. The perpetrators are individuals and groups known and unknown to the child, as well as institutions and larger social organisations; the violence can be spontaneous or highly organised and pre-planned. It can impact on the child directly through assaults or emotional abuse, or indirectly through the influence of witnessing violence between others. Violence in the media may also play a role. These aspects of violence against children are not mutually exclusive but overlap in many ways, and children frequently experience multiple forms of violence in multiple settings. This complexity makes both the research task of mapping the nature and prevalence of violence against children and the task of presenting that research extremely difficult.

Official statistics are useful in assessing the extent of some forms of violence against children, but are often limited, representing only the tip of the iceberg. Many official statistics reflect only those cases that have come to the attention of the authorities – usually the extreme, often unlawful, end of violence. Changes in definitions, categorisations, and procedures over time can also limit what official statistics can reveal concerning patterns and trends.¹¹

The first attempt to piece together an overall picture of the extent of violence against children in the UK was made by the Commission on Children and Violence convened by the Gulbenkian Foundation in 1995, when it published a report drawing together disparate research on different forms of violence against children.¹² This commission, chaired by Sir William Utting and with an eminent membership, received unprecedented publicity, chiefly because one of its many recommendations was for the total abolition of corporal punishment. What was not given much coverage was the shocking extent of violence against children: for the first time statistics on all forms of violence – from homicide to corporal punishment – were brought together into one document.

Notwithstanding the difficulties of comparability associated with using data applied to different age ranges and years, the Gulbenkian overview provided a useful marker for subsequent research, and highlighted the need for comprehensive studies into children and young people's experiences of violence. It also examined the known causes of violence and how genetic and social influences are "inextricably intertwined", while arguing that violent behaviour is never inevitable for any individual child. No one is born "bad".

The first large-scale attempt to study the prevalence of the full spectrum of abuse and neglect experienced by children in the UK was the NSPCC prevalence study.¹³ This study looked retrospectively at the childhood experiences of almost 3,000 young adults aged 18–24. The authors of the report warn against the use of definitive figures to represent the proportion of the population that has been physically, sexually or emotionally abused because this brings together highly varied experiences and degrees of severity and frequency into a single category. The research documents all forms of violence before going on to assess the prevalence of that which would officially be called "abuse". A number of their findings are reported below, but it should be noted that the memories of young adults about their childhood are likely to be inexact, with unpleasant experiences suppressed and memories of babyhood and early childhood (when parents admit they most often hit children) hazy or lost. The figures are therefore likely to be underestimates. Nevertheless, an overall pattern can be discerned, which is similar to that produced in the Gulbenkian report, with the most prevalent form of violence being corporal punishment in the home, followed by bullying by children, physical abuse, sexual abuse and, least prevalent, emotional maltreatment.

There are relatively few studies where children under 18 have been asked about their experiences and views through in-depth, qualitative interview methods. One large-scale study looking at children's opinions, which took in a wide range of forms of violence and violent settings, was the *Respect* study,

commissioned by the Economic and Social Research Council. This report was based on the findings of a study of moral values concerning young people in England and Northern Ireland in 1996–99 and looked at young people’s lives, loves, hopes and fears connected with growing up in the UK. An extensive questionnaire and 56 focus groups were used, involving more than 1,700 young people aged 11–16 in schools in England and Northern Ireland. Physical and sexual abuse were not covered by the study, but in exploring young people’s views on the morality of violence, a wide range of other forms of violence was addressed, including violence in the family (corporal punishment, domestic violence), bullying, fighting, community violence and violence in the media. The violence-related findings were published in 2004 in a separate volume, *From fear to respect: young people’s views on violence*, by the National Children’s Bureau (NCB).¹⁴

Other in-depth research with children and young people has focused on specific forms of violence and is reported in the relevant sections below. These include a number of studies on corporal punishment¹⁵, domestic violence¹⁶, child sexual abuse¹⁷ and commercial sexual exploitation¹⁸. Other studies have relied primarily on questionnaires given to children or on information from adults. Clearly there is a need for much more qualitative research, which allows children’s own voices to be heard.

1.1 What children say about research

“I think that it needs to be looked at more on a wider basis, looking at all the contributing factors and trying to find a way to tackle them all or as many as we can... until we actually get enough of them or a lot of them, then that’s the only way I think we will actually be able to make a true difference to the way they affect people.” (Boy, 15)¹⁹

“One thing that the study should do is to find the root of it, to find out why people are violent, why they feel that they need to hurt somebody else.” (Boy, 15)²⁰

1.2 What needs to be done

Prevalence research

The description of violence against children in an imaginary English town is based on prevalence studies. Government officials and professionals need to know the scale of violence in order to measure the progress in reducing it, and to understand the impact of their activities. Counting the number of prosecutions, convictions, case conferences, children on registers and other professional measures are all useful, but they will never give a true figure of violence. Only in-depth interview research in conditions of confidentiality and trust with children themselves or the relevant adults, where very young children or some disabled children are concerned (for example, their parent or primary carer), will give a true picture of the problem to be tackled. In its general comment in *General measures of implementation of the Convention on the Rights of the Child*, the Committee on the Rights of the Child states:

“It is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children... The Committee emphasises that, in many cases, only children themselves are in a position to indicate whether their rights are being fully recognised and realised. Interviewing children and using children as researchers (with appropriate safeguards) is likely to be an important way of finding out, for example, to what extent their civil rights... are respected within the family, in schools and so on.”²¹

Recommendation

- We recommend that the Government funds regular interview research with children and care-givers into actual levels of violence against children inside and outside the home, in order to set a baseline on which to judge progress towards elimination.

“One thing that the study should do is to find the root of it, to find out why people are violent, why they feel that they need to hurt somebody else.”

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

Listening to children

Until recently the voices of children were seldom sought or heard in decision-making or academic research. The last decade has seen a sea change. Now almost any initiative concerning children – a Government green paper, local authority planning, priority-setting by a children’s charity, a professional conference – will ensure that there are mechanisms for children to contribute their views and experiences.

This new and welcome trend is to a large extent due to the Convention on the Rights of the Child, adopted by the UN in 1989 and ratified by the UK two years later. Four general principles were identified in the Convention’s many rights, one of which was Article 12 on the views of the child. Article 12(1) reads:

“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”

Article 12 is the rallying call for “child participation”, now *de rigueur* in central and local government, but in practice often falling short of full implementation of the article’s actual obligations.

One crucial aspect of Article 12 is that it is about hearing the views of children who are actually affected by the matter under consideration. To discover children’s views on adoption, for example, the State should listen and give weight to the views of adopted children, children waiting for adoption, the siblings of adopted children, children who were not adopted but wished they had been and so on – not the views of a group of children whose lives are entirely unaffected by adoption. A number of issues affect most children, but even here the issue usually relates only to children in a specific age band. For example, older teenagers are rarely smacked and are not affected by the design of playgrounds, whereas young children will not usually have experience of or informed views on drug use or access to contraception.

Moreover, children have a right to express an informed view (Article 17 gives them an express right to

appropriate information). Even if they do have personal experience of a matter in question, they should not be hurried into giving instant reactions, but should be given the information that will enable them to form considered judgements.

This report tries to follow these precepts. What is noticeable is that when children do have actual experience of violence, their words can strike to the heart.

Recommendation

- We recommend that the Government and all policy-making bodies take seriously the rights of children to be heard on all matters affecting them, to have their views given due weight and to be given sufficient and appropriate information in order to express a considered view.

2. CHILD DEATHS

“World Health Organisation mortality statistics indicate that three children die every fortnight from physical abuse and neglect in the UK”



2.1 What children experience: murder

The most extreme form of violence against children is homicide. On average, every five days in England and Wales one child is killed at the hands of another person.²²

The rate of child killings in England and Wales has remained broadly similar for almost 30 years.²³ According to Home Office records, the annual number of child homicides has averaged 77 a year for the last 30 years.^{B 24} At least 55 children under 16 were victims of homicide in England and Wales in 2005/06 (in a further 36 cases, the age of the victim was unknown).²⁵

Table 1: Reported child homicides 2005/06

Babies under one year	24
Children aged one to four years (inclusive)	11
Children aged five to 15 years (inclusive)	20
Total	55

Babies are at greatest risk of being killed²⁶ – the homicide rate in 2005/06 was 38 per million for under one-year-olds compared with 14 per million for the population overall. The second most at-risk group is those aged 16–30. It is not possible to establish from the data the exact number of deaths of children aged 16 and 17.

Of the 55 children under 16 killed in 2005/06, the suspect was known in 37 cases (67 per cent), including 24 cases (44 per cent) where the suspect was a parent. As of October 2006, there were no suspects in six cases (11 per cent).²⁷

The majority of child homicide victims were killed by their parents or someone known to them, particularly those in the younger age groups. In half of all cases of children killed at the hands of another person in the past five years, the parent is the principal suspect.²⁸

^B There is a 30 year average of 77 homicides of children aged under 16 per year recorded by the police in England and Wales, based on figures from 1977 to 2005/06.

Self-inflicted deaths where the state may bear responsibility

This report is not addressing the general issue of child suicide and self-harm, but there is a small number of child suicides where it appears the State has been negligent in its care of the child and bears some responsibility for their deaths; in effect, it has harmed these children. In such cases the European Court of Human Rights has ruled that, under Article 2 of the ECHR (dealing with the right to life), where a state or its agents potentially bear responsibility for loss of life, the events must be subject to an effective investigation or scrutiny, which enables the facts to become known to the public, and in particular to the relatives of any victims.

Two campaigns are currently alleging that there has been inadequate scrutiny of the State's involvement in the self-inflicted deaths of children. The first relates to Young Offender Institutions (YOIs), the second to the deaths of young army recruits at Deepcut Barracks. In both instances, it has been claimed that there is evidence that local government (social services), central government (Prison Service, Youth Justice Board and Ministry of Defence) and the judiciary may have borne some responsibility for the lack of adequate protection and/or the neglect or cruelty that contributed to the young people's actions.

This report's section on violence in the justice system provides information about the scale of suicide and self-harm in children's prisons (see chapter 7). However, here we will briefly look at one particular case – that of 16-year-old Joseph Scholes, who, in March 2002, hanged himself from the bars of his cell in a YOI. Joseph was imprisoned for his involvement as a look-out during a robbery committed by some of the children of a residential home where he had been living for only four days previously, after repeatedly being sexually abused by a relative. Two weeks before his arrest he had slashed his face 30 times with a knife, leaving the room so bloody it had to be repainted. Although vulnerable young offenders are supposed to serve their custodial sentences in the relatively more pleasant local authority secure children's homes (LASCHs), the

Youth Justice Board allowed him to be sent to a YOI. The YOI knew of his history and had him closely watched, but nonetheless, 10 days after being sentenced, he hanged himself from the window bars of his cell.

This death raises a number of serious questions about the actions of the social services that looked after him, the prosecution services that took him to court, the judge or magistrate who sentenced him, and the Youth Justice Board that placed him in a penal lock-up. There may also have been failures by the YOI staff and the local Youth Offending Team, as well as unknown others, such as mental health professionals.

The inquest in April 2004 found that Joseph had died as a result of an “accidental death”. In May 2004, the coroner wrote to the Home Secretary urging that a public inquiry be established. In December of that year, the Parliamentary Joint Committee on Human Rights (JCHR) – joint between the Commons and Lords – also recommended a public inquiry.²⁹ The Government rejected the recommendations, instead asking the Sentencing Guidelines Council to consider Joseph’s sentence and the Youth Justice Board to take into account the coroner’s concerns in future planning. It appointed David Lambert to review the “operational issues” affecting youth offender teams, the Youth Justice Board placement team and YOIs. In January 2006, Mr Justice Bennett ruled against the application by Yvonne Scholes, Joseph’s mother, for a public inquiry. The Lambert report, completed in 2005 at a fraction of the cost of a public inquiry, was published in September 2006 and does not address what Yvonne Scholes sees as the key issue, ie, why Joseph Scholes was imprisoned in the first place. She lost her case in the Court of Appeal and applied to take it to the House of Lords.

The Deepcut deaths involve four young army trainees (two of whom were 17) who died at the Deepcut Barracks from gunshot wounds. Calls for a full and independent public inquiry into these deaths were rejected by the Government, which instead commissioned a review by Nicholas Blake QC into the circumstances surrounding the deaths.³⁰

Although he found evidence of abuse of trainees at Deepcut, he dismissed allegations that they had been “bullied to death”. His review concluded that a public inquiry was not needed, as long as various other recommendations were fulfilled, such as the families being provided full information about their children’s deaths. However, in the inquest into the most recent Deepcut death – that of 17-year-old James Collinson – the coroner called for an inquiry “to restore public confidence in the recruitment and training of young soldiers”. A campaign for a full public inquiry continues.

2.2 What children say about murder

Murder tops Peckham children’s fears

Children are rarely asked about murder. It came as a surprise, therefore, when a Health Action Zone project in Peckham, south London asked a group of 28 primary school children at the beginning of the millennium what most concerned them about the community in which they lived. Murder topped the list, above drug abuse, dog mess, smoking and bills (ie, debt). Two months earlier another group of 20 children aged between nine and 11 in a nearby after-school project had also identified murder as their biggest concern, again choosing from a wide range of issues. It was certainly the case that, at the time, their local authority (Southwark) had more murders than any other London boroughs, and the second highest figures for violent crime.

The projects worked with the children on their anxieties, encouraging them to write to the police and local newspapers, talk to older children about violence, research the real level of child homicide, produce posters, and express their views through cartoons, poems and rap. Not all the adults were helpful, seeing murder as an inappropriate subject for children. Nonetheless, the children’s attitudes changed. According to the project worker, Sara Gibbs, even after the local murder of 10-year-old Damilola Taylor – fulfilling the children’s worst fears – the group was resilient. One of their tactics was to share ways to feel safer on the streets. One said that, if you felt you were being followed, you should look around

“If you felt you were being followed, you should look around for someone, who could be your mother, and bend down next to her, pretending to tie your shoelace.”

“... develop a strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children”

for someone, who could be your mother, and bend down next to her, pretending to tie your shoelace.³¹

“Murder is the worst type of violence against children because it’s getting rid of the person totally. Bullying can be stopped, but murder, it’s done – it can’t be taken back.” (Girl, 10)

“Children get killed for no reason at all.” (Boy, 10)

“I get nightmares before I get to sleep and am scared someone’s going to murder me.” (Boy, 10)³²

2.3 What needs to be done

Public scrutiny of child deaths

Article 6 of the Convention on the Rights of the Child – protecting children’s “inherent right to life” and securing their survival and development “to the maximum extent possible” – is identified as one of the Convention’s four general principles to which ratifying states must pay particular regard. The Committee on the Rights of the Child recommended to the UK in 2002 that the Government “introduce a system of statutory child death inquiries” and “develop a coordinated strategy for the reduction of child deaths as a result of violence and the reduction of all forms of violence against children”.³³

Since then the law has been reformed. The Children Act 2004 established statutory Local Safeguarding Children Boards (LSCBs). From April 2008, each LSCB will be under a duty to have a Child Death Overview Panel collect information about the deaths of all children in their area in order to “review the appropriateness of the professionals’ responses to each unexpected death of a child, their involvement before the death, and relevant environmental, social, health and cultural aspects of each death, to ensure a thorough consideration of how such deaths might be prevented in the future”.³⁴

As Area Child Protection Committees before them, LSCBs will also be required to undertake a “review of serious cases” of deaths or serious injuries in cases where abuse or neglect is suspected, and either the child has died or has been seriously harmed and there is concern about the way the various agencies have worked

together.³⁵ An individual, independent of the agencies and professionals involved, will then report on lessons learned and actions needed in future.

The latest joint Chief Inspectors’ report expresses concern about the operation of serious case reviews, noting that some agencies have failed to understand their purpose; that recommendations are vague or unrealistic; and that lessons have not been disseminated to front-line staff.³⁶ There are long-standing concerns that serious case reviews are required to focus on inter-agency working rather than the **full** circumstances of the child’s death and what could have been prevented. *Working Together to Safeguard Children* states that the purpose of serious case reviews is to:

- “establish whether there are lessons to be learnt from the case about the way in which local professionals and organisations work together to safeguard and promote the welfare of children
- identify clearly what those lessons are, how they will be acted upon, and what is expected to change as a result; and
- as a consequence, improve inter-agency working and better safeguard and promote the welfare of children.

Serious case reviews are not inquiries into how a child died or who is culpable. That is a matter for coroners and criminal courts, respectively, to determine as appropriate.”³⁷

This narrow focus on inter-agency working means that the primary causes of a child’s death may be overlooked; agencies may have worked excellently together, but failed the child in some other way. Coroners do not determine culpability or the “why” of a death, and are limited in their powers to determine even the reason for the death. Criminal courts will only become involved where there is sufficient evidence to mount a prosecution; if the death occurs as a result of a series of professional mistakes, this is unlikely.

Furthermore, serious case reviews do not and are not intended to meet the main requirements of the European Convention on Human Rights in relation to cases where the state may bear some responsibility, which is that the facts

are made public and the degree of state culpability receives full and independent scrutiny. This, then, leaves a serious breach in the availability of mechanisms to hold to account state agents if required. We note with concern that children's services and schools are currently excluded from proposals for a new offence of corporate manslaughter and corporate homicide, although we welcome the late inclusion of prisons and police custody.

“Murder is the worst type of violence against children because it’s getting rid of the person totally. Bullying can be stopped, but murder, it’s done – it can’t be taken back.”

Recommendations

- The child death and serious case review processes should primarily establish the cause of death and the extent to which the death was preventable.
- The learning from these reviews should be aggregated nationally and targets set for preventable child deaths.
- The death of any child or young person while in the care or custody of the State should be the subject of an independent and public inquiry.

3. VIOLENCE IN THE HOME

“Physical abuse is the worst type of violence because it can damage you on the inside and on the outside” (Girl, 11)



3.1 Physical violence (including corporal punishment)

3.1.1 What children experience: physical violence

According to official statistics, in the year 2006/7, more than 33,000 children (33,300) were placed on the child protection register in England, of whom 5,100 were registered due to risk of physical violence. Children under one were most likely to be at risk in this category.³⁸ It is known that disabled children are at greater risk of all forms of violence than non-disabled children, and the presence of multiple impairments appears to increase the risk of violence.³⁹ The prevalence of physical violence (and all other forms of abuse) was found to be greater for respondents in the NSPCC study who identified themselves as having a disability or long-term illness.⁴⁰

These statistics show little significant change in numbers or proportions over the last five years, although over a longer period there has been a steady reduction in the numbers of children registered for physical abuse.⁴¹ However, other studies reveal that these official figures represent only the tip of the iceberg, and that there is a much higher rate of severe physical violence towards children.⁴² This suggests that any reduction in registration relates to the prevailing philosophies and administration of social services, or a decrease in reporting, rather than a true decline in the numbers of abused children. Since 2004 the Chief Inspectors of social services, education, courts and the criminal justice system (police, prosecution, prisons and probation) have reported jointly on the safeguarding of children. In 2005, their second joint report expressed the following concerns about the child protection system:

- “agencies other than social services are often unclear about how to recognise the signs of abuse or neglect, are uncertain about the thresholds that apply to child protection or do not know to whom they should refer their concerns. More attention needs to be paid to identifying welfare concerns for children with disabilities;
- largely because of resource pressures, some councils’ social services apply

inappropriately high thresholds in responding to child protection referrals and in taking action to protect children; and

- because some social services are unable to respond to families requiring support, other agencies do not refer children when concerns about their welfare first emerge.

This means that some families are subject to avoidable pressure, children may experience preventable abuse or neglect and relationships between social services and other agencies may become strained.⁴³

Much of the physical violence that children experience in the home does not trigger professional involvement and is not recorded in official statistics. For example, the NSPCC prevalence study found that of the nearly 2,869 young adults surveyed, 7 per cent reported abuse by their parents/carers that was categorised as serious physical violence (a higher percentage of girls than boys reported serious physical violence). A further 14 per cent experienced intermediate abuse and 3 per cent received physical maltreatment, which caused concern.⁴⁴

Statistics on physical violence are also distorted by the current social acceptability of hitting children and a refusal to recognise that there is no significant distinction to be made between “abuse” and corporal punishment – the important distinction is between levels of severity.

There has now been substantial research into the corporal punishment of children in the UK. The first large-scale study took place in the 1990s, commissioned by the Government and published in 1997, and included interviews with both parents in 99 two-parent families. The study, more comprehensive than the memories of young adults of their early childhood, found that babies were particularly vulnerable to being hit by parents: 52 per cent of one-year-olds were smacked weekly or more often by their parents; 35 per cent had been smacked more than once a week and three per cent were reportedly hit or smacked daily or more often. Overall, 99 per cent of children had been hit, with a greater frequency the

“...agencies other than social services are often unclear about how to recognise the signs of abuse or neglect, are uncertain about the thresholds that apply to child protection or do not know to whom they should refer their concerns.”

younger the child. Hitting or smacking was experienced weekly or more often by 48 per cent of four-year-olds, 35 per cent of seven-year-olds and 11 per cent of eleven-year-olds. Around 20 per cent of the children had been hit with an implement, and 35 per cent had at some time experienced “severe” punishment.⁴⁵

The most recent study concerning corporal punishment, funded by the Economic and Social Research Council, focused on general parental discipline, including non-violent approaches, as well as corporal punishment. It provided normative data on the incidence of a range of disciplinary approaches used by parents and examined a number of contextual factors, including parents’ own childhood experiences. The study surveyed 1,250 mothers and fathers of children aged up to 12 across Britain and then undertook qualitative follow-up interviews with 20 pairs of parents and their children, interviewing them separately, as well as qualitative discussions with eight groups of children aged 8–12. Parents self-reported on the overall incidence of a range of disciplinary responses to conflict within the previous 12 months and on the prevalence of their use during the child’s lifetime, giving rise to the following figures:

Table 2: Parental disciplinary responses to children (Ghate et al 2003)

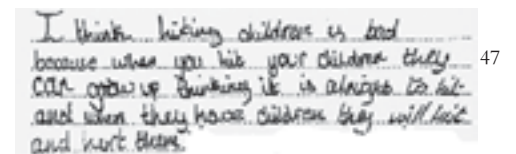
(Percentage of parents self-reporting types of corporal punishment)

	Incidence (annual rate)	Prevalence (lifetime rate)
Psychological aggressive	82 per cent	87 per cent
Minor physical	58 per cent	71 per cent
Severe physical	9 per cent	16 per cent
Very severe physical	Nil	1 per cent

Young parents and those with an “unsupportive” partner were much more likely to report using corporal punishment than other parents. In the past year, 64 per cent of parents under 36 reported using corporal punishment (minor and/or severe), as did 71 per cent of parents with an “unsupportive” partner; 77 per cent of parents with “difficult children”; 85 per cent of parents with children aged 2–4; and 58 per cent of all parents.

In describing situations of conflict, parents who used corporal punishment were twice as likely to attribute negative intentions to their child, more likely to be in a bad mood beforehand, and more likely to describe their responses as “automatic” or “spur of the moment”. They were also much more likely to report a negative aftermath for both themselves and their child. They were twice as likely to feel distressed themselves, and to report that their child was upset.⁴⁶

3.1.2 What children say: about physical violence



I think hitting children is bad because when you hit your children they can grow up thinking it is always to hit and when they have children they will hit and hurt them.

Save the Children and the National Children’s Bureau have carried out research into children’s own views and experiences of corporal punishment, beginning with research into the views on the smacking of 76 English children between the ages of five and seven. Unlike many parents, these children overwhelmingly identified smacking as hitting that is physically painful. Almost every child disapproved of smacking and saw it as something that adults often regretted, and which made the children upset, angry and sometimes want to smack someone else.⁴⁸

“I’ve had a few late nights and had a serious beating, but I’ve done it again because I’m out, plus I’m going to be late anyway so I’m thinking, why don’t I stay out for three hours because if I’m going to get a beating why don’t I get it for something big. It doesn’t necessarily stop me from doing it again.”⁴⁹

“Children are smaller than adults, and so it’s unfair, because they’ve got such a power over them, and they’ve got other means, it’s not as though it’s the only means.”⁵⁰

The *From Fear to Respect* research project, published by the National Children’s Bureau in 2004, looked at the views of young people aged 11–16.⁵¹ In contrast to the near total condemnation of smacking and hitting from the younger children in the National Children’s

Bureau and Save the Children studies, these older children – with a few exceptions – displayed an acceptance of a limited degree of corporal punishment, believing it to be necessary for younger children. Where older children were concerned, talking was considered more appropriate unless serious wrongdoing was involved, such as breaking windows, stealing or mugging, when harsher corporal punishment was considered acceptable. The young people were, however, clear that any adult who was not their parent had no right to punish them physically. A similar ambiguity about corporal punishment was found in the views of the older children consulted for this report, some of whom thought corporal punishment was a legitimate form of discipline for similar reasons to the *Respect* research. A few even saw discipline as a form of affection and thought that if their parents or carers did not physically punish them they were not interested in them.⁵² The discrepancy between the views of children who are actually experiencing corporal punishment and older children shows how the acceptability of smacking becomes internalised as children grow up, leading to its continued use down the generations.

“Physical abuse [is the worst type of violence because] it can damage you on the inside and on the outside.” (Girl, 11)⁵³

“If you get bullied or robbed you can go home to your parents, but with family abuse you have nowhere to go and no one to hug at the end of the day.” (Girl, 10)⁵⁴

I know... that parents think hitting their children is a good way of making children do the right thing. But it makes children think of their parents as a scary person

(Boy, 11)⁵⁵

3.2 Sexual violence

3.2.1 What children experience: sexual violence

Official figures for convictions relating to sexual offences against children show a steady increase from 2,241 (including 29 female perpetrators) in 1993 to 3,072 (34 females) in 2002. These do not include cases where the age of the victim is not technically relevant to the offence (and it is not clear whether the victim is an adult or a child), such as the rape of a 16-year-old, nor those prosecutions that do not result in guilty verdicts. It is hard to get a realistic picture of the true level of sexual offending from officially recorded statistics given the high rate of attrition in sexual offence cases before they get to court.⁵⁶

Prosecutions for sexual assault represent only a tiny proportion of the actual number of such assaults; civil interventions by social services are also disproportionately small. A total of 2,500 children were placed on the child protection register in 2006/07 because of sexual abuse, accounting for 7 per cent of all children on the register.⁵⁷ However, unpublished ChildLine statistics for 2006/07 show that 11,429 young people called ChildLine presenting sexual abuse as their main problem.⁵⁸ In the NSPCC child maltreatment prevalence study 16 per cent of the young adults surveyed (21 per cent female, 11 per cent male) had experienced child sexual abuse including both contact and non-contact forms; 11 per cent (16 per cent female, 7 per cent male) had experienced child sexual abuse involving contact when aged 12 years or younger; 1 per cent had been sexually abused by parents or carers, 3 per cent by other relatives, 11 per cent by others known to them, 4 per cent by strangers, and 3 per cent by more than one person.⁵⁹ The fact that most sexual abuse is perpetrated by someone known to the child is supported by other research, such as the analysis of the 9,857 calls to ChildLine, reported in 2001, regarding sexual abuse, which revealed that nine out of 10 children knew their abuser.⁶⁰

Child sexual abuse is a particularly cruel form of abuse because of the serious damage it can have on the child’s own sexual development. Research studies

“Physical abuse is the worst type of violence because it can damage you on the inside and on the outside.”

“Children are pure and innocent and sexual abuse can cause effects the child has no control over. The children are unaware of this, which is so sick. They deserve more protection.”

show that between 25–40 per cent of all alleged sexual abuse involves young perpetrators, and the majority of children and young people displaying sexually harmful behaviour have been or are being sexually, physically and/or emotionally abused themselves.⁶¹

3.2.2 What children say about sexual abuse

“Children are pure and innocent and sexual abuse can cause effects the child has no control over. The children are unaware of this, which is so sick. They deserve more protection.” (Girl, 17)

“It affects your mind and people treat you like a victim and not like a normal person.” (Boy, 10)⁶²

“I knew what was happening was not nice but I did not know what to do. I got to 15 and still did not realise that I had been abused and should have done something about it. One of them was a lollipop man. I saw him every day, yet I never said: ‘He does things to me.’ It only came out when I went away from the country and then I took an overdose.”⁶³

A girl was asked whether she would have disclosed the abuse, with the benefit of hindsight. She replied: “I don’t know. I really doubt it. It’s a scary thought but I really doubt it. It’s not any better for me in this situation, where I’ve lost my family, than a situation where I myself experience something bad. Now it’s affecting so many people and I didn’t want that.”⁶⁴

“Children need to be protected – they need to feel safe. We want to feel comfortable and safe and not worried or scared. Not afraid of men.”⁶⁵

3.3 Emotional violence

3.3.1 What children experience: emotional violence

Violence in the UN study includes actions that cause injury, including psychological injury, to another person, and therefore emotional or psychological harm must also be considered here. The most recent statistics show that 7,800 children were placed on the child protection register in England in 2006–7 for this reason, accounting for 23 per cent of the register.⁶⁶

All parents, as the poet Philip Larkin noted, inflict some emotional damage on their children. But unlike physical violence, which is relatively easy to identify, some children’s emotional maltreatment can be hard to recognise or define. The NSPCC’s prevalence study, for example, cited being laughed at when upset or being deliberately lied to as examples of emotional abuse, but these were not counted as “maltreatment”.

The most common form of emotional abuse was “terrorising”. Examples of this include making threats of harm, which more than a third of respondents had experienced.⁶⁷ Other forms of emotional abuse were psychological domination and control, psycho/physical control and domination (physical acts causing distress rather than pain), humiliation (attacks on self-esteem), withdrawal (for example, lack of affection), antipathy, and proxy attacks (for example, violence towards pets or possessions, or violence towards a parent). All of these are forms of violence in that they cause harm to the children concerned. In 6 per cent of the sample, the treatment was severe enough to constitute emotional maltreatment requiring professional intervention.

This review is not about violence perpetrated by children and young people on themselves, but the problem of self-harm among children and young people is of considerable concern in the UK where rates of cutting, self-poisoning and other forms of self-harm (such as burning, scalding, banging and hair-pulling) have been found to be among the highest in Europe.⁶⁸ Depression and suicide are linked to violence experienced in childhood, and low self-esteem can easily be created by the kinds of emotional abuse described above.

3.3.2 What children say about emotional violence

“I think that the worst kind of violence against children and young people is emotional violence and it leads them to believe all their life that they’re not worth anything, and they can’t amount to anything.”⁶⁹

“Say your mother tells you every day that you’re worthless, she never wanted you to be born...that would result in violence. You

may not see verbal abuse as violence, but it has the same effect on the person because when you get hit you feel the pain. It also plays with your mind, but with verbal abuse it does get to your mind.”⁷⁰

“I think the worst type of violence towards children is verbal abuse because I think it lowers the child and makes them feel less of a person because, if someone is always saying something to a child over and over again it can make them feel less of a person. As a child growing up, they should be able to believe in themselves and know how to treat other people. By you being violent towards them verbally, you will lower their self-esteem.”⁷¹

3.4 Witnessing violence: between adult partners in the home (domestic violence)

3.4.1 What children experience: domestic violence and violence towards children

The Government’s definition of domestic violence – “any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality” – specifically excludes children. By contrast, the Welsh Assembly Government recognises that domestic violence “can also include violence inflicted on, or witnessed by, children”.⁷²

There has been a lot of research into the links between domestic violence and child abuse, which, unsurprisingly, reveals that the two often co-exist in the same household. At the heart of domestic violence is the abusive exercise of power, which inevitably pervades the whole family.

Research into the experiences of 69 babies who had been abused in their first year, reported in August 2004, found that those coming from families with a history of domestic violence and mental illness were more likely to experience ongoing abuse.⁷³ An analysis of children on the child protection register in one London borough found that at least a third of registered children had mothers who were subject to violence

themselves.⁷⁴ A study of 30 families with 61 children involved in an alleged child abuse investigation found that in 40 per cent of cases (12 families) there was domestic violence.⁷⁵ Another study, looking at 44 children on the child protection register, where there was physical abuse, neglect or emotional abuse of the children, found that in 59 per cent of families there was domestic violence, usually from father figure to mother.⁷⁶ Domestic violence was recorded in 27 per cent of 1,888 child protection referrals analysed in 1995.⁷⁷

The NSPCC prevalence study found a strong relationship between domestic violence and child maltreatment.⁷⁸ In McGee’s interviews with children who had experienced domestic violence, although they were not specifically asked about abuse to themselves, 25 children (52 per cent) voluntarily disclosed that they had experienced physical abuse, six (11 per cent) sexual abuse, 29 (60 per cent) emotional abuse, and 15 (31 per cent) controlling behaviour.⁷⁹ The young people interviewed in the National Children’s Bureau’s *From Fear to Respect* study also confirmed that children suffer both direct and indirect violence in the context of domestic violence.⁸⁰

Contact after parental separation

Children’s exposure to violence does not necessarily stop when the family separates from the violent partner. There is evidence that he (it is almost always he) often uses his “parental rights” to contact as a way of continuing his oppression and harassment of the family. For example, an English study of 53 families in which the women had left male partners because of violence, the men continued to be violent in all but three cases.⁸¹ A study by NCH, the children’s charity, describes how problems for mothers often continued when their violent partners maintained contact with their children: the fathers’ primary objective seemed to be to persecute the mother rather than to have a relationship with the child.⁸² Violence may also be inflicted on the child during contact. Research on behalf of the NSPCC found that children who were abused in contact visits were overwhelmingly from homes where the mother had also been a victim of partner

“Children need to be protected – they need to feel safe. We want to feel comfortable and safe and not worried or scared. Not afraid of men.”

“He would come in and rip my mother’s clothes up. He tried to strangle her, just beat her up like... We were always watching it... He used to tell us to get back to bed... He would stamp on the phone so we couldn’t phone the police.”

abuse (15 out of 18 cases).⁸³ The Women’s Aid Federation of England has also drawn attention to the number of cases where children have been killed on contact visits, noting in 2004 that “at least 28 children have been killed as a result of contact arrangements in England and Wales in the last 10 years (10 killed in the last two years). Five of these contact homicide cases involved court-ordered contact.”⁸⁴

While the child’s welfare must remain the court’s paramount consideration, we believe that the child’s wishes and feelings should be given primary consideration in family proceedings, considered in the light of the child’s age and understanding. The court will still be required to consider all of the factors in the welfare checklist in section 1(3) of the Children Act 1989 – the child’s physical, emotional and educational needs; any harm the child has suffered or is likely to suffer; the capability of parents; and so on – but these would be given less weight than the child’s ascertainable wishes and feelings. While the court will not be required to follow the child’s wishes and feelings in all cases, the effect of this legal reform would be to transform the child’s role in family proceedings. Instead of being the voiceless object of a parental battle, the child would become the person at the centre of decision-making.

Further, we propose that whenever a court makes a section 8 order not consistent with the child’s ascertainable wishes and feelings, it must:

- a) notify the child in writing of the reasons for the decision
- b) set a date for a review of the decision, no later than three months after the initial decision
- c) make arrangements for the child to be represented at the review hearing.

Giving children a much stronger say about these matters has its dangers – brainwashing mothers, terrorising fathers, and so forth – but these can be surmounted through careful management by those charged with discovering the child’s wishes. However, no child should be forced to express a view on such difficult matters. The dangers can also be avoided by giving children better opportunities to change existing

arrangements at any time as they grow older and as their views and circumstances alter.

Recommendations

- We recommend law reform so that children’s wishes and feelings become a primary consideration in family proceedings, with a review mechanism for orders that have been made against the child’s wishes and feelings.
- We recommend education to children about their legal right to apply for and vary section 8 orders, with increased support services.
- We recommend that local authorities be under a duty to make arrangements for children in their area to enjoy safe contact. This provision must be informed by the views of children.
- We recommend that the Government should publicly make clear its commitment to separate representation for children in the most intractable cases, and set forth a revised timetable for implementation.
- We recommend that local authorities should be under a duty to make arrangements for safe and supervised contact sufficient to meet the needs of the children in the area.

Witnessing violence

Violence between adults in the home is known to be damaging to children who witness it, whether they are physically present when it is happening or whether they overhear it from another room.⁸⁵ In an NCH study in 1994, using questionnaires completed by mothers in NCH family centres who had experienced domestic violence, 75 per cent said that their children had witnessed domestic violence on at least one occasion.^C Almost two-thirds of the children in this study had seen their mothers beaten by a partner, and one in 10 mothers had been sexually abused in front of their children. All the mothers

^C NCH family centres are community-based projects designed to provide a range of services for children who are at risk or in need, and to offer support to their families.

said that their children had seen them crying and upset because of the violence.⁸⁶ A study in 1995 found that of a national sample of adults, 45 per cent had witnessed violence between their parents/carers at least once, with 10 per cent witnessing it “constantly” or “frequently”.⁸⁷ In 2000, the NSPCC conducted the first national prevalence study⁸⁸ of child abuse and neglect in the UK, using a random sample of 2,869 young adults (aged 18–24). The study revealed that:

- More than 26 per cent of the young people had witnessed violence/abuse between parents at least once.
- For 5 per cent, the violence/abuse was a constant or frequent occurrence.

Although the prevalence of children witnessing domestic violence cannot be straightforwardly deduced from the prevalence of domestic violence itself, this does give some idea of the extent of violence between adults in the home and indicates that children’s exposure to such violence is not uncommon. Nearly 20,000 women (19,836) and more than 24,000 children (24,347) were provided refuge-based services by Women’s Aid in England in 2004/05, an increase of 16 per cent for women and 13 per cent for children over the last three years.⁸⁹ The 1996 British Crime Survey found that just over 4 per cent of both women and men experienced physical violence by a partner in 1995 in England and Wales, and that almost one in four women and one in seven men had experienced physical violence by a partner in their lifetime.⁹⁰ In 1998 it was estimated that one in nine women and more than 5,000 children a year experience domestic violence.⁹¹ It has been calculated that, in the year ending 31 March 2001, there were 17 recorded domestic violence attacks every hour in England and Wales.⁹² Since only one in nine assaults is ever reported to the police, the true incidence would have been much higher.⁹³ In the 2002/03 British Crime Survey in which domestic violence refers to physical violence between current and ex-partners and other family and household members, domestic violence accounts for almost 20 per cent of all violent incidents, with 45 per cent of victims being repeat victims and 73 per cent of victims being women.

Women are not only more frequently victimised, they are more likely to experience severe violence.⁹⁴

Additionally, two women are killed each week in England and Wales by a current or former partner.⁹⁵ Three-quarters of domestic violence incidents occur in or around the home.⁹⁶

3.4.2 What children say about domestic violence

There have been a number of studies of children’s views and experiences of domestic violence. A study involving 1,395 children aged 8–16 from Durham, Bristol and north London found that most young people considered fighting between parents to be wrong and most, especially older children, considered threats to be as bad as actual violence.⁹⁷ The young people in the *From Fear to Respect* study linked the issue of domestic violence with corporal punishment, highlighting the contradiction (within the home) of teaching young children that boys should not hit girls, yet discovering that this does not apply to husbands and wives (in families where there was domestic violence).⁹⁸

“I saw my dad fighting with Mum. I saw them arguing, shouting at each other and hitting each other. My dad used to do the hitting.” (South Asian boy, 10)

“He used to say, ‘I’m going to kill you at night-time when you are all asleep.’ He used to come with an axe and say ‘I’m going to kill you.’ I used to get very frightened. We had a lock on the bedroom doors in case he did what he said. He once made a hole with an axe in my sister’s bedroom door. Then he used to look through the hole.” (South Asian girl, 8)⁹⁹

“Because I don’t like liver, he made me eat a whole raw onion and then one day he made me eat raw liver.” (Girl, 10)

“We wasn’t allowed down in the front room at all. We had to stay in our bedrooms. We had to stay . . . the only time we could come out was when we ate.” (Boy, 9)

“We used to get kicked outside. We was afraid to move, basically, in case he got violent.” (Girl, 15)

“I saw my dad fighting with Mum. I saw them arguing, shouting at each other and hitting each other. My dad used to do the hitting.”

“Legal prohibition of smacking in the UK is inevitable: the question now is when, not if, this will happen.”

“I just felt so angry all the time. I used to cry myself to sleep and think about a hundred ways how I could kill him, poison him and stab him and stuff. But it’s silly really, isn’t it? But I felt so angry I just cried all the time for her. I just felt so sorry for her, that I couldn’t help her.”

“If you see your dad hit your mum or if your boy sees him beating her up, he says the woman deserves to get beaten. It’s going to twist your head and you get a different picture of life.” (Girl in a Young Offender Institute)¹⁰⁰

3.5 What needs to be done

An end to corporal punishment

Law reform to give children the same protection against assault as adults is a crucial step in tackling violence against children. Governments have limited abilities to change behaviour, particularly when it comes to the upbringing of children, but the establishment of equal protection under the law is within the scope of their powers. Such a step would send out a clear and important message from the Government that all forms of corporal punishment against children are unacceptable.

Legal prohibition of smacking in the UK is inevitable: the question now is when, not if, this will happen. Law reform to abolish all corporal punishment of children is regarded as an obligation under international law by both European and United Nations human rights monitoring bodies. The Committee on the Rights of the Child has twice recommended law reform to the UK¹⁰¹, as has the UN Committee on Economic, Social and Cultural Rights.¹⁰² The momentum for reform is particularly strong in Europe, where more than a third of the member states of the Council of Europe give children equal protection (and more than half of EU members have abolished corporal punishment).^D The European Committee on Social Rights, the Council of Europe body monitoring the European Social Charters, has found the UK to be in breach of its human rights obligations by failing to prohibit all

forms of corporal punishment.¹⁰³ In 2004, the Parliamentary Assembly of the Council of Europe adopted a recommendation calling for Europe to be a corporal punishment free zone.¹⁰⁴ In the same year, the UK parliamentary Joint Committee on Human Rights said:

“In our view the Committee [on the Rights of the Child] has consistently made clear that corporal punishment of children is a serious violation of the child’s right to dignity and physical integrity, and that states must both introduce a legislative prohibition of such punishment at the same time as measures for educating the public about the negative consequences of corporal punishment. In the light of this, we do not consider that there is any room for discretion as to the means of implementing Article 19 of the Convention on the Rights of the Child as interpreted by the Committee on the Rights of the Child: it requires the reasonable chastisement defence to be abolished altogether.”¹⁰⁵

The corporal punishment of children is a highly emotive and personal issue, and removing a parental defence for hitting children is certainly not popular with uninformed voters. Law reform is resisted by the Government for the following reasons:

“Government should not interfere in private family life.” Assault is a human rights issue, and governments have strong obligations to protect human rights within the family, particularly where the most vulnerable family members are concerned. UK governments have done so in recent years, for example, with the “zero tolerance” domestic violence campaigns or the outlawing of marital rape.

“Parents know the difference between a smack and abuse.” Unfortunately this is not the case, and it is known that many hundreds of thousands more parents than those appearing on child protection registers routinely go too far when punishing their children, inflicting assaults which easily breach the threshold for child protection action. And it is unusual to ask the perpetrator, rather than the victim, about an offence – when young children

^D Austria (1989), Bulgaria (2000), Croatia (1999), Cyprus (1994), Denmark (1997), Finland (1983), Germany (2000), Hungary (2004), Iceland (2003), Latvia (1998), Norway (1987), Romania (2004), Sweden (1979) and Ukraine (2004). Italy and Portugal have had Supreme Court judgements declaring corporal punishment as unlawful; the governments of Luxembourg, the Slovak Republic, Slovenia, Greece and the Netherlands have made commitments to prohibition.

are asked about smacking they are graphic about the pain and shock involved. In any event, all hitting constitutes assault. A comparison is instructive here: it would not be considered acceptable to say, for example: “Husbands know the difference between the odd slap and serious wife beating.”

“Parents should not be criminalised for ‘trivial smacks’.” All citizens are, technically, criminalised by the lightest push or tap they inflict on another adult without consent. However, police and prosecution services do not take action over such insignificant assaults on the *de minimis* principle of not wasting time on trivialities. Where the smacking of a child is concerned, a criminal charge would be likely to be more proscribed: prosecution of parents should only occur if this is in the public interest and in the interests of the child in question. It is not generally helpful to children to prosecute their parents: it is envisaged that this would be widely understood and that the law would be interpreted accordingly.

The aim of this legal reform is to change behaviour, not to punish parents. The law is an educational tool, and while the law continues to condone the hitting of children, those working with parents on positive forms of discipline are undermined. Equally, changing the law is much less effective if parents and children are not told about it. When the law was changed in Sweden, information about the new law was placed on breakfast milk cartons, and every parent received a pamphlet about positive forms of discipline. Every country that has reformed the law has done so ahead of parental and voter opinion, but every country that has had a public education campaign alongside the reform has shown significant changes in attitude once the law was in force.¹⁰⁶

Recommendation

- We recommend the Government reforms the law explicitly to protect children from all forms of violence, removing completely the defence of reasonable punishment in order to give all children equal protection under the law on assault.

Positive parenting

There are many excellent publications, courses and programmes designed to help parents raise children without violence, most of which are produced by non-governmental organisations.^E It may be because the Government and its agencies are unable either to condemn smacking or to endorse it that makes it difficult for them to describe good parenting. Once smacking is outlawed it is hoped that we can look forward to much stronger public campaigns on positive non-violent parenting.

Information and support for parents should emphasise/be based upon the concept of the child as a person with feelings and a holder of human rights, not as an owned object. A rights-based approach does not mean that parents forfeit their own rights to impose rules and boundaries. These parental rights, indeed parental responsibilities, are specifically upheld in the Convention on the Rights of the Child. Parenting inevitably includes setting limits, which imply consequences or sanctions if those limits are breached. Good parenting also implies a close physical relationship with your child – hugs, restraints, rough and tumble play, carrying off to bed and so forth – and it also means being ready to let your child explore and take calculated risks.

Parenting education is not just about the behaviour of children. It must also address children’s low social status and the need for parents to have empathy and understanding for the child – *to try always to see and understand situations from the child’s perspective*. The family is the first place where children learn about love and being valued as a person, and the importance of receiving and giving respect. Challenging the perceived right of parents to hit children necessarily involves challenging entrenched beliefs that children are inferior to adults and therefore their wishes and feelings count for less. While practical skills and tips are important, the emphasis in parenting education must be on building respectful relationships with children. This would address other harmful behaviours that often accompany smacking: shouting, scowling, humiliating and threatening children, for example. In

^E See, for example, the National Family and Parenting Institution’s *From breakfast to bedtime*, which seeks to cover all aspects of dealing with misbehaving toddlers without addressing the smacking question.

“Information and support for parents should emphasise/be based upon the concept of the child as a person with feelings and a holder of human rights, not as an owned object.”

“...children value confidentiality above all else when they seek help”

addition, it may be as useful to help parents in other ways – for example, with anger-management, alcohol dependency or relationship counselling – as it is to provide child-development information or advice on dealing with children’s anger and frustration.

Recommendation

- We recommend that the Government accompanies law reform to prohibit all forms of corporal punishment with sustained, long-term, high-profile public education campaigns about the law and all aspects of non-violent positive parenting, building on all existing work with parents and carers.

Confidentiality for children

What proportion of child victims keep silent about their abuse? The shocking answer is that it appears to be at least two-thirds. Three large-scale surveys of investigated abuse, totalling over 2,000 cases, found that an aggregate of 65 per cent of the children had not told anyone about the abuse at the time.¹⁰⁷ The NSPCC prevalence study found that only a quarter of people who had experienced sexual abuse as a child told someone at the time that it occurred.¹⁰⁸ Another quarter told someone later, but a third had not told anyone by their early adulthood. Of those who told someone about the sexual abuse, only 14 per cent told someone who had statutory duties (2 per cent told a social worker, 7 per cent told the police and 5 per cent told a teacher). The rest confided in friends, relatives or anonymous helplines.

The experience of ChildLine, which every day receives more calls than it can answer, confirms that many abused children initially want to talk to someone on a confidential basis.^F The NSPCC’s paper *Someone To Turn To* also confirms that “...children value confidentiality above all else when they seek help”.¹⁰⁹ An NSPCC researcher currently conducting a literature review on

^F ChildLine will not breach children’s confidences, even if they know the child’s identity, unless this is necessary because the child or any other child is in a “dangerous/life-threatening situation”.

confidentiality¹¹⁰ quotes Wattam: “On the basis of previous research with children, children who have experienced abuse, and adults who relate their experiences of abuse as children, it is apparent that children value confidentiality and require a response which respects their confidentiality (rather than that of other professionals).”¹¹¹ The researcher commented that no paper reviewed argued that confidentiality was not an important issue for abused children.

Creating confidential space for children to explore their situations (places or settings where they can speak in confidence to practitioners or other young people to explore their situations, such as peer supporters in their schools) is a global challenge for policy-makers and professionals.

Services with differing confidentiality thresholds to best meet the varying needs of children would afford them choice and control according to the level of confidentiality they desired, giving them access to professional advice and assistance with the range of serious problems they faced, including abuse, prior to any child protection procedures being enacted.

Confidentiality is a central part of giving the abused child a service where they have some control. If we do not offer abused children confidential advice and advocacy, we risk effectively excluding these young people from accessing a service that can help them. One thing a child sex abuser would fear would be children having someone to whom they could talk in confidence.

The Government threshold for confidentiality in relation to advocacy is “the prevention of significant harm”. Where a child is “suffering or likely to suffer significant harm”, a referral should be made to the appropriate statutory agency, whether or not this is the wish of the child concerned or of the agencies providing advocacy.¹¹² There is some room for interpretation as to what constitutes significant harm, except in the case of sexual abuse, which is expressly mentioned in the term’s definition in section 31 of the Children Act 1989. Thus advocates are now bound to warn children that they cannot respect

confidences about abuse, which risks silencing some children.

Information-sharing between professionals is not the only way of preventing child abuse; it does not even, of itself, actually do anything. Offering abused children some source of highly confidential support also does not, of itself, do anything. Both approaches depend on an energetic and intelligent response by the adults involved – the confidential supporter’s task is to give the child maximum control over and confidence in the steps that must be taken to end the abuse; the statutory child protection partners’ task is to take those steps. Confidentiality and information-sharing are not mutually exclusive, and children are entitled to both.

Recommendations

- We recommend that effective prevention of abuse includes giving children help that is offered with a level of confidentiality that gives the child far greater choice and control. How this is delivered should be the subject of public consultation.^G
- We recommend that all children have well-publicised access to local advocates who can offer them a high level of confidentiality (breaching only to prevent death or serious harm), and informed advice and assistance about their problems, including physical or sexual violence.
- We recommend that all children have access to confidential advice and counselling services.

Social services: greater status, accountability and focus on the child

The changes that the Laming Report and the Children Act 2004 have brought to the child protection system are important. They focus on improved coordination between the key agencies through restructuring the system’s administration. We believe that other aspects of the child protection system also need to be addressed.

Section 53 of the Children Act 2004 strengthened the previous guidance, including the Department of Health’s

Framework for Assessment, the 1989 Children Act and the previous *Working Together to Safeguard Children*, to make child protection procedures significantly more child-centred. When investigating suspicion of significant harm, and before taking any action, social services must (so far as is practicable and consistent with the child’s welfare) ascertain and give due consideration to the child’s wishes and feelings about this action. It will be important that the full implementation of this is carefully monitored.

Child protection is hampered by the low status of social work. Social workers are frequently seen in a negative light by the tabloid press as busybodies or ignorant do-gooders, condemned both for removing children from parental care and for allowing them to remain with them. This may be connected to the fact that the clients of social workers, as compared to those of other professions, are more likely to be poor or otherwise marginalised people. Social workers are also sometimes feared or disliked by their client group. It is interesting to note that social workers in other countries do not have this low status.

As well as radical changes needed to improve the status and the practice of social work, some form of redress and compensation for children who are harmed by the culpable inaction or intervention of children’s services should be considered, as is possible within the police and medical professions. In 2001, the European Court of Human Rights overturned a House of Lords’ ruling that local authorities could not be sued for failing to protect children.¹¹³ The case involved four children who had been grotesquely abused and neglected for almost five years, during which time, despite 19 professional meetings about the family, they had not even been placed on the child protection register. The European Court held unanimously that the children had suffered inhuman and degrading treatment (Article 3) and suffered a violation of their rights to an effective remedy (Article 13), and awarded them unusually large compensation. The European Court said the UK was failing to provide a mechanism whereby children could establish the liability of local authorities

“Child protection is hampered by the low status of social work. Social workers are frequently seen in a negative light by the tabloid press as busybodies or ignorant do-gooders, condemned both for removing children from parental care and for allowing them to remain with them.”

^G This is also a recommendation of the UN study on violence against children.

“Society must offer the opportunity for sexual abusers and persons prone to act out sexually to come forward and get help.”

that had failed to protect them and consequently gain compensation in redress. Although this was seen as a landmark case in child protection, in actuality it has led to no significant changes – children are still unlikely to receive compensation for harm they have suffered because of social service failures.

While there are arguments that such claims consume resources (both in insurance and litigation), which could be better spent elsewhere, there is no argument against the rights of the victims of negligence to some form of compensation, and to hold professionals to account generally. The findings of child abuse reviews show that social services are often inadequate in their practices.

A greater degree of accountability would also help those in child protection to be more respectful of the human rights and dignity of their client group. It is over 30 years since the British Association of Social Workers published *Clients are Fellow Citizens*¹⁴, but its message is as urgent today as it was then.

Recommendations

- We recommend that attention be given to enhancing the status of social workers using the experience available in other countries, and that accessible compensation mechanisms be made available to enhance accountability.
- The Government should ensure, through guidance and inspection, that local authorities fully implement their new duties to give due consideration to children’s views before taking steps to protect them.

Public health treatment of sex offenders

The Wolvercote clinic, the only residential centre for adult male child sex offenders in the UK, was closed in July 2002 when its existing site ceased to be available and a new location could not be found. When the Home Office commissioned research into its effectiveness, the clinic was found to have a greater than 90 per cent success rate: only five of the 51 men who had attended the clinic were reconvicted, and these five had not completed the full

course of the Wolvercote treatment programme. None of the men deemed by the Wolvercote to be treated were reconvicted, including men who had “high deviance” psychometric scores on admission. The research concluded that the Wolvercote programme “appears to help prevent re-offending”.¹⁵

Steps to prevent the onset of sexual abuse of children are urgently needed; where that is not possible, we need to prevent first-time offenders from continuing the abuse. Ways of encouraging sex abusers to seek help also need to be explored, as well as treatment for all sex abusers, not only those who are convicted. At present the focus is on the prosecution, punishment (with or without treatment) and surveillance of abusers – all responses after the offence has been committed.

The sexual abuse of children attracts such condemnation, and seems so intractable, that its hidden nature seems inevitable. Yet alcoholism is seen as effectively incurable, but this does not mean it cannot be managed or that drink and drug treatments are not important as public health services. As treatment expert Robert Freeman-Longo points out:

“Society must offer the opportunity for sexual abusers and persons prone to act out sexually to come forward and get help. All of the other prevention programmes provide hope and opportunity for treatment, even when there is not a ‘cure’ for a particular problem...we must provide the potential abuser and the currently active abuser the same opportunities for hope and recovery.”¹⁶

However, there is virtually no acknowledgement by those in the public health sector that treatment for sex offending is something they should be offering. For example, the Public Health White Paper, *Choosing Health – Making Healthier Choices Easier*¹⁷, does not address this issue. Chapter 7, which covers the needs and mental health of people at risk (including prisoners and ex-offenders, and prevention services, including those on sexual health) does not mention the treatment of sex offenders. Chapter 3, on children and young people, does not cover the treatment of those who display sexually harmful behaviour, although, again, sexual health has substantial

coverage. Treatment is not mentioned in the *National Service Framework for Children, Young People and Maternity Services*¹¹⁸, although two standards are explicitly relevant: standard 5, on safeguarding and promoting the welfare of children and young people, and standard 6, on children's mental and psychological welfare. The *National Service Framework for Mental Health*¹¹⁹, although acknowledging traumatic consequences from childhood abuse and the general mental health needs of prisoners, does not address the treatment of abusers specifically.

Recommendation

- We recommend that treatment of sexual offending be part of all public health programmes, with appropriate funding and policy priority.

4. VIOLENCE AND CHILDREN LIVING AWAY FROM THEIR PARENTS

“It makes you feel like you’re nothing. People holding you down brings bad memories. It’s horrible. Makes you want to head-butt them”



Around 60,000 children are being looked after by local authorities.¹²⁰ Of these, around 42,000 are in foster care; 6,000 in regulated children's homes or hostels; and the rest at home, with adoptive families, or in boarding schools or other residential placements. In addition, there are around 6,000 children in state-funded residential special schools and others in other boarding and further education institutions, including independent schools.¹²¹

There are also children who are privately fostered. A private fostering arrangement is one made by a parent for their child to be cared for by someone other than a parent or close relative, with an intention for the fostering to last beyond 28 days. This is for a child under the age of 16 (under the age of 18 if disabled). The local authority in whose area these arrangements are made should be notified. The figure for private fostering arrangements notified to local authorities as of 31 December 2005 was 750 children.¹²² However, it was estimated in 2001 that 10,000 children were living in private fostering arrangements where local authorities had not been notified.¹²³

4.1 Private foster care

The murder of Victoria Climbié, who was privately fostered by her great aunt, triggered Lord Laming's inquiry and the subsequent Every Child Matters agenda. Her death led to a number of structural changes to the administration of social services, but these changes have not secured a full registration system for private foster carers.

Children are privately fostered for a number of reasons. Privately fostered children may include foreign children who come to this country to attend language schools or other forms of education, or children of parents from West African countries where private fostering is widespread; children seeking asylum either travelling alone or with adults who are not their parents; children trafficked for commercial sexual exploitation or to work as domestic servants; children whose parents work unsociable hours; or teenage children who have been rejected by their parents or who have opted to live outside the family home.

These children, like Victoria Climbié, are exposed to huge risks. While there may be little the State can do to safeguard older teenagers who are living away from home,

the other groups of children should at least be afforded the minimum protection of requiring all private foster carers to register with the local authority. The Utting report, *People like us*, written before Victoria Climbié's death, said privately fostered children "must surely be among the most vulnerable of children living away from home. They may be placed at a very early age, sometimes, it seems, without contact with their parents, or anyone else with a responsibility for their welfare, for a number of years." The law required private foster carers to notify the local authority if they proposed looking after a child beyond 28 days. Having been notified, the local authority was then required to satisfy itself as to the welfare of the child. The Utting report recommended that private foster carers be required to register with the local authority, which should have the same statutory duties to approve the placement and visit the child as apply to the fostering of looked-after children.¹²⁴

In 2002, the Committee on the Rights of the Child raised concern over the lack of consistent safeguards for children who are privately fostered.¹²⁵ The Laming report on Victoria Climbié's death recommended a review of the legislation on private fostering.¹²⁶

The Children Act 2004 introduced a tighter framework, requiring every local authority to have a duty to raise awareness of the law; to make earlier enquiries about the suitability of private foster carers before children are cared for by them; to appoint a private fostering officer with responsibility for private fostering to monitor compliance with the notification system; to include private fostering among the areas to be addressed by safeguarding boards; and to introduce minimum standards for local authority private fostering and to enhance the inspection regime.

The act also introduced a power to require the registration of all private foster carers, a significantly stronger safeguard than simply requiring them to notify the local authority of the fostering arrangements.¹²⁷ However, The Children (Private Arrangements for Fostering) Regulations 2005 made under the act do not establish this safeguard, but simply continue the notification system with the extra protection of visits every six weeks by social services in the first year and every three months thereafter.¹²⁸

“The children said they would like to have their social workers’ direct numbers so they could ring them if they had problems.”

4.1.1 What children say about private foster care

In a Commission for Social Care Inspection report by the Children’s Rights Director, privately fostered children were consulted (although only a small group, as local authorities provided the details of only a few children – itself perhaps an indication of the poor oversight of this group). The children were keen for social services to check on their welfare regularly and see them in private: some were, tellingly, even worried about the consequences about coming to the consultation.

The children said they would like to have their social workers’ direct numbers so they could ring them if they had problems. Included in the list of things they wanted social services to check were: “that they were not being beaten”, “that they were eating properly”, and “that they felt safe with their carer”. They recommended that a full risk assessment, with two social workers, be made on each foster placement, and that visits should be monthly (or even daily “if they were being hurt”) and not reduced after the first year.¹²⁹

Looked-after children

A review of 30 councils in 2003 showed that only half the councils had allocated each looked-after child a social worker.¹³⁰ The joint Chief Inspectors’ report also raised concerns that social services often fail to arrange for a looked-after child who is not in touch with his or her family to have an independent visitor and do not consistently spend time with children on their own – an essential part of safeguarding them from violence and neglect. The inspectors were also concerned that some children were being placed without proper risk assessments, either to the child or to other children.¹³¹

4.2 Local authority foster care

There is a general assumption, shared by many children, that foster care is the best placement for children who are being looked after by a local authority. When it goes well it can be constructive and restorative. However, too many children suffer multiple foster placements and the emotional pain caused by foster breakdowns may be greater than the experiences these children suffered before going into care.

When things go wrong in foster care, the child may be more isolated than those in residential care – the joint Chief Inspectors’ report found that over 10 per cent of fostering services did not meet minimum standards for safeguarding children, a higher proportion than children’s homes (6.5 per cent).¹³² A 2005 review by the Children’s Rights Director of inspections of councils by the then Commission for Social Care found that more than one-third of all types of home, school, college or service failed to meet the standard Safeguarding children from harm. In many settings, the standards most often reported as having “major shortfalls” included those concerned with child protection. For example, the staff recruitment and checking process was a major shortfall in almost one-fifth (19 per cent) of children’s homes, 14 per cent of residential special schools and 29 per cent of boarding schools; in terms of checking staff suitability to work with children, 15 per cent of fostering services had a major shortfall.¹³³

Under the law fostering agencies are expected to implement a no-smacking policy. Foster carers are subject to a no-smacking policy, which is in line with National Minimum Standards. Foster carers also have to confirm that they do not smack their own children. This discussion takes place during the fostering assessment when potential foster carers are required to submit a safe caring policy outlining their approach to managing a child’s behaviour. While training and best practice is welcomed, the absence of statutory regulation in relation to physical chastisement leaves foster children with less protection.

4.3 Residential care

Research has shown that children in residential care are at greater risk of physical and sexual assault from their peers than from staff.¹³⁴ Analysis of 223 questionnaires from children in 48 different children’s homes found that 13 per cent of children had been sexually assaulted by a peer and 40 per cent had been bullied.¹³⁵

The Children’s Homes Regulations 2001 prohibit various forms of punishment, including physical, but explicitly allow “the taking of any action immediately necessary to prevent injury to any person or serious damage to property”.¹³⁶ This includes the physical restraint of children, which is an urgent cause for concern following an

investigation in 2004 by the Children's Rights Director into the views of children in residential homes and residential special schools on restraint. Although the homes had not been selected as being problematic, the children had strong and worrying things to say about the way restraint was used by residential staff. Their experiences included being restrained after avoidable conflicts for trivial reasons or as a means of punishment (all clear breaches of the regulations), and they described being restrained by dangerous or painful methods, such as being sat on or having their arms wrenched behind them. They proposed a number of restrictions on the practices, including asking children before a placement how they liked to be calmed down or treated when they were upset.¹³⁷

4.3.1 What children say about restraint in children's homes

"Staff rile you until you want to hit them, then they restrain you."¹³⁸

One young person described a situation they had been in that had ended up in restraint. It had started with the young person saying: "I'm not listening to you," and a staff member replying: "I'm not listening either." Neither listened and it built up into louder and louder shouting, and ended in restraint. The young person said that, if two people were shouting but not listening, you could expect things to get out of control.

"I got restrained for throwing a newspaper. It would have been OK if it was a brick."

"Some are in a children's home because of abuse and force, and getting restrained is the same."

The children and young people were asked how it felt to be restrained. Some children said that it made them feel angry and more stressed, while others said that it made them feel depressed, claustrophobic and panicky, and that being restrained hurt and often left hand marks or bruises. One child, with the agreement of the rest of the workshop, described how it felt to be restrained:

"It makes you feel like you're nothing. People holding you down brings bad memories. It's horrible. Makes you want to head-butt them."

"I still bear a grudge against the way I was restrained."

4.4 What needs to be done

Private foster care

The formal assessment of Victoria Climbié's great aunt's suitability as a private foster carer might well have saved Victoria's life. The extreme vulnerability of this group of children had been highlighted by lobby groups and by Sir William Utting, Lord Laming's Predecessor, as Social Services Chief Inspector, in child protection inquiries, who recommended full registration in line with public foster care and day care. The Committee on the Rights of the Child has recommended that the UK "ensure consistent legislative safeguards for all children in alternative care, including those who are privately fostered".¹³⁹

Unfortunately, although Lord Laming stated in his report that he "concurred" with general concern about the under-regulation of private foster care, he only recommended a review of the law. The Government has promised to introduce registration if the enhanced notification system does not prove to be effective.¹⁴⁰

Recommendations

- We recommend that section 45 of the Children Act 2004 be immediately implemented, so that all private foster placements have to be approved and registered by the local authority (and that prohibition of corporal punishment in the foster home is one of the requirements for approving the placement).
- We recommend a statutory requirement be placed upon agencies that have contact with children to notify the appropriate local authority when a private fostering arrangement comes to their attention.

A social worker for all looked-after children

Children who are being looked after by the local authority have no legal right to their own social worker. Even though their placement regulations require that they be visited regularly, this need not be by the same person. Looked-after children need the emotional security of knowing that a named and accessible individual working for the

"Some are in a children's home because of abuse and force, and getting restrained is the same."

“Looked-after children need the emotional security of knowing that a named and accessible individual working for the local authority is responsible for their welfare when they are living away from their parents.”

local authority is responsible for their welfare when they are living away from their parents. Given that official inspections have found that this is quite often not the case for a number of children, it seems reasonable for this to be a statutory duty. The *Care Matters* green paper includes proposals for improving social work support to looked-after children. This includes 24-hour access and the reintroduction of statutory social worker visits to children placed in children’s homes, with a greater frequency of visits for those placed out of authority.

Recommendation

- We recommend that all looked-after and privately fostered children should have a legal right to a named and easily accessible social worker.

Exit interviews for all placements

Foster and residential placements are subject to reasonably rigorous visits and inspections, and good practice now dictates interviews in private with children in the placement. This is an important safeguard, but such interviews will inevitably only provide a snapshot of the children’s views, as they may feel quite differently on another day. The views may also be distorted by the child’s anxiety about the placement: fear of recriminations, fear of another move and so forth. A more reliable picture of the placement’s quality, and information about any form of violence, may be gained by interviewing children shortly after the placement has ended.

Recommendation

- We recommend that all looked-after children are interviewed by the local authority about their placements after the placement has ended.

Foster care: corporal punishment

Fostering services are required to “take all reasonable steps to ensure that... no form of corporal punishment is used” and, under the national minimum standards, to inform the foster carers that corporal punishment is unacceptable.¹⁴¹ This should be strengthened to a clear prohibition in regulations, as exists for children’s homes. Additionally, until the defence of reasonable punishment has been

removed, all foster carers should have to contract not to punish any child physically in the placement, including their own children.

Recommendation

- We recommend that the Fostering Service Regulations 2002 be amended to prohibit the use of corporal punishment and other forms of humiliating treatment in the placement (both of the foster child and of any other children in the home).

Multiple foster breakdowns

The Government has recognised that subjecting a child to foster breakdowns, or even a whole series of failed placements, can be extremely damaging. The experience can be as destructive as the emotional abuse for which children might have been taken into care in the first place. Local authorities are currently measured on how many looked-after children have three or more placements a year, which is one strategy for making local authorities aware of the problem (although a league table on multiple placements may also create the unintended effect of children being maintained in unhappy or inappropriate foster homes).

Because of the shortage of foster carers and the particular difficulty in recruiting appropriate ones – for example, for same-race placements or children at risk of custody – official policy has been geared towards attracting foster parents. It is perhaps time to consider how foster services could also focus on their true consumer – the children themselves. The fashionable concept of “choice” has a place here. Children could have greater power of choice over foster placements, for example, by giving them access to an illustrated “guide” to the available fostering families, including “reviews” by previous foster children (perhaps compiled from the exit interviews recommended above). While circumstances, such as the child’s age and understanding or a shortage of foster placements, might limit the child’s freedom of choice (as is the case in all choice of statutory services), involving the child in his or her placement decision is likely to enhance the placement’s success. Giving children access to evaluations by children previously fostered in the placement would certainly be a start.

“YOU FEEL LIKE YOU’RE NOTHING”

Foster breakdowns often cause emotional harm and the responsible local authority should take pains to understand what the problem is and how to avoid its repetition. Some authorities have formal reviews of placement breakdowns, sometimes termed “disruption meetings”. While the name is unhelpful, the principle seems a good one, although such meetings should not be used as a way of listing children’s shortcomings or criticising their behaviour. The aim should simply be to identify what is required in order to avoid the child suffering another failed placement, and to improve the service provided for the foster carer in future.

Recommendations

- We recommend that, where possible, children be fully involved in choosing their foster placement. Although the child’s needs, age and abilities are paramount, an element of choice should be included in the matching process.
- There should be a statutory requirement to consider placement breakdowns and recommendations at the annual review of each foster carer.

Children’s homes

Scandals of abusive behaviour have led to strong regulation of children’s homes, and the problems with these homes do not now seem to be the law, but rather its implementation. For example, there are high levels of bullying despite all homes being required to have anti-bullying policies; staff use unnecessary, painful and humiliating restraints despite specific prohibitions on this; and so forth. The challenge to the Government is how to ensure that the law is properly implemented. Better training and a stronger collective voice for children are two possible solutions, but to achieve these goals it may be necessary to make them statutory requirements. Encouraging good practice in guidance unfortunately has very little impact on the homes that most need to change. In addition, the children’s recommendation to the Children’s Rights Director – that they be asked before entering a placement how they like to be calmed down if this becomes necessary – should be implemented. Revised draft regulations for the Children’s Rights Director remove his duty to review

complaints and representations systems for looked-after children.

Recommendations

- We recommend that the Children’s Homes Regulations 2001 be amended to require all children’s homes to have regular meetings between children and staff to discuss the welfare and safety of all the residents, and to require that all staff members be trained as part of their induction in communication and relationships, as well as using non-humiliating and safe forms of restraint as part of their induction. The deliberate use of pain should be explicitly prohibited as a means of restraint. Before coming into residential care all children should be formally asked how they like to be calmed down.
- We recommend no dilution of the duty on the Children’s Rights Director to review complaints and representation systems for children living away from home. Furthermore, we propose that a regular review of advocacy arrangements for children living away from home be added to the Director’s functions.
- We recommend that all children are interviewed alone as part of the regulatory inspection of children’s homes.

“Foster breakdowns often cause emotional harm and the responsible local authority should take pains to understand what the problem is and how to avoid its repetition.”

5 VIOLENCE ON THE STREET AND IN OTHER PUBLIC PLACES

“You can get a gun really easily these days – it’s about £5. You can get them from anyone these days, just anyone”

(Child)



5.1 Children as assault victims

The British Crime Survey only gathers information on crimes committed against people from the age of 16 upwards.¹⁴² However, the Committee on the Rights of the Child recommended that the UK Government “record in the British Crime Survey all crimes committed against children”.¹⁴³ The Offending, Crime and Justice Survey (OCJS) was carried out annually from 2003–2006. In 2004, the survey sampled about 5,000 people aged 10–25.¹⁴⁴ The Youth Justice Board has also been commissioning MORI for several years to survey youth offending, most recently surveying 4,715 children and young people aged between 11–16 in mainstream schools and 687 excluded pupils in 2004.¹⁴⁵ Both studies focus significantly more on children’s offending behaviour than on their experiences as victims.

MORI has been carrying out surveys since 1999 for the Youth Justice Board on young people’s experiences of crime. The findings from the reports, between 2001 and 2005, have now been drawn together. There has been an increase in the proportion of children who say they have been threatened or physically attacked. In 2005, 22 per cent of 15- and 16-year-olds, 17 per cent of 14-year-olds, 14 per cent of 13-year-olds, 11 per cent of 12-year-olds and 13 per cent of 11-year-olds reported being physically attacked in the last 12 months. Overall, 28 per cent had been threatened – the most risky age being 15 and 16, where 36 per cent had been threatened in the preceding 12 months. In 2005, 65 per cent of children who had committed an offence had also been victims of crime (compared to 44 per cent of those who had not committed an offence).¹⁴⁶

This new information is welcome, although the surveys leave unexamined a large number of even younger citizens under the age of 10, who may also be victims of unreported crimes, particularly assault. Prevalence studies of parental corporal punishment or bullying in schools may flush out some of this information, but we have no idea of the levels of physical violence towards young children in streets or parks, for example, or perpetrated against them by siblings or family friends.

In addition, it is clear from the findings of the OCJS 2004 that children were not encouraged by the survey to define parental blows as a criminal assault. Only 1 per cent of children under 16 reported assaults by their parent, as opposed to 4 per cent of the 16–25-year-olds.

The OCJS 2004 found that over a fifth of 10–17-year-olds said they had been assaulted in the last 12 months. Children aged from 10–13 were significantly less likely to suffer an injury, compared with 14–17-year-olds. Males were almost twice as likely to have been a victim of assault compared with females. The majority of reported assaults occurred at the child’s school, and 7 per cent happened in private homes, leaving a third of assaults on children occurring in streets, parks, transport facilities, shopping centres and other public spaces. Sixty-two per cent of the 10–15-year-old victims reported that they had been the victim of more than one assault in the previous year, and a small group of children were defined as “frequent victims” – that is, they had been assaulted more than six times in the previous year. Children usually knew their assailant, who was likely to be another pupil if the assault occurred at school. The data provided do not correlate offender with place, but it can be assumed that assaults by strangers are much more likely to occur in public places than in homes or schools.

The most common form of physical violence experienced in assaults resulting in injury was being punched, slapped or hit, followed by being grabbed, pushed or pulled. Assaults against younger children were more likely to involve kicking. The injuries received in injury assaults were mainly minor bruising. A lower proportion of assault victims said they found the incident upsetting at some level (56 per cent of injury assaults; 40 per cent of non-injury assaults) compared with personal theft incidents (ranging from 63 per cent to 70 per cent). One in five incidents involving assault with no injury were described as “not at all upsetting” and nearly one-half of the victims described it as something that happens. Young adults in the survey (16–25-year-olds) were more likely to state that what had happened to them had been a crime than were younger victims, who were more likely to consider the incidents to be “wrong, but not a

“The OCJS 2004 found that over a fifth of 10–17-year-olds said they had been assaulted in the last 12 months.”

“...of 2,420 children and young people, 51 per cent had at some point been a victim of physical abuse outside their home.”

crime”. Incidents against young adults were more likely to come to the attention of the police than were those against children, whereas incidents against children were most likely to be known to parents, teachers or friends.

The survey also examined who was likely to be a victim of an assault. It found that the following characteristics were associated with an increased risk of being the victim of an assault among 10–15-year-olds: being male, negative school environment, negative parenting experiences, friends in trouble with the police, drug use, committing criminal or anti-social behaviour, living in households “just getting by” financially, and living in more disorderly areas.¹⁴⁷ Official statistics on violent crime against people over the age of 15 indicate that young men aged 16–24 are at the greatest risk of being victims of violent crime, with the risk of violence being higher for men than for women in each of the crime types except domestic violence.¹⁴⁸ The 2006/07 British Crime Survey estimated that 2,471,000 violent incidents were experienced by adults in England and Wales, compared with just over one million violent offences recorded by the police in 2006/07.¹⁴⁹ For young men aged 16–24, violence by strangers accounted for 50 per cent of violent incidents, violence by acquaintances 41 per cent, domestic violence 7 per cent, and mugging 20 per cent. The figures for females aged 16–24 were: by strangers 29 per cent, by acquaintances 35 per cent, domestic violence 28 per cent, and mugging 20 per cent.¹⁵⁰

The Youth Justice Board’s annual Youth Survey conducted by MORI also explores young people’s experiences of being victims of crime. Like the OCJS, the Youth Survey shows that, while school is the place young people are most likely to be physically attacked (43 per cent of assault victims), travelling to and from school and in the local area are also dangerous (19 per cent and 39 per cent respectively). The discrete study of excluded children found that the majority of physical attacks on this group of children occurred in public places.

This survey also asked young people if they had reported the crimes to anyone and found that parents and friends were the main confidantes. Only 13 per cent of mainstream pupils reported crime

incidents to the police, although this rose to 22 per cent if they were physically attacked and 37 per cent if it was a racial attack. The survey commented on the excluded pupils: “Interestingly, and perhaps surprisingly, they are more likely to report an incident to the police than their mainstream counterparts are.”¹⁵¹

A 1998 Economic and Social Research Council study of abuse by strangers found that, of 2,420 children and young people, 51 per cent had at some point been a victim of physical abuse outside their home. A quarter of these had been kicked, 19 per cent struck with an implement, and 9 per cent slapped. Stranger-perpetrated physical and/or sexual abuse was estimated to comprise 11 per cent of the total incidents of this type of harm, making these the least frequent form that young people were likely to encounter.¹⁵² The 2002 Mirror/GMTV/Crimestoppers poll of 1,064 young people found that 2 per cent of the sample had been victims of a crime involving guns or knives.¹⁵³

In 2001, the Office for Children’s Rights Commissioner for London surveyed London’s children and found that violence and safety on the streets and bullying were high on their list of concerns to be addressed in London.¹⁵⁴

According to the British Crime Survey, the risk of alcohol-related assault – defined as assaults, robbery and snatch thefts in which the victim considered the perpetrator to be “under the influence” of alcohol – is highest for 16–19-year-olds. Rates decline with age. There were an estimated 749 alcohol-related stranger assaults per 10,000 males aged 16–19 – a figure almost five times the rate among females of the same age (157 per 10,000).¹⁵⁵

5.1.1 What children say about violence on the street

The children and young people contributing to this study had a lot to say about violence on the street, which they had experienced as victims, witnesses and perpetrators, and which in some cases included extremely violent incidents.

“I’ve seen stabbings, gunshots, muggings, gang fights.”

The contributors to the discussions and those who completed questionnaires view violence on the street as an inevitable everyday occurrence. In describing the effects that violence has on the way they feel, children said that witnessing violence against children made them feel “excited”, “afraid” and “sorry for people”. They also said it “normalises you to violence” and “makes you tougher”.

Young people said that not all violence between children is malicious – there could be “friendly” violence, like “birthday beats” (when children hit, kick and punch another child on their birthday). The phenomenon of “happy slaps”, where young people film each other being slapped, was debated. Some found it amusing; others did not.

“When you’re watching it, it’s funny, but in real life it hurts people,” said one young person. Another said: “It just proves our warped nature that we laugh at people’s pain.”

A 17-year-old girl said: “I think that happy slaps is wrong, even to slap your friends. It’s just not right. It’s assault whichever way you look at it. It’s just wrong.”

According to a group of young people who attended the Boyhood to Manhood Foundation, a Peckham-based project working with young people excluded from mainstream education, violence on the street has a great deal to do with both self-protection and status among peers.

“People use violence for reputation,” according to one young person. Another said: “If you beat up someone then no one else will try and beat you up.”

Children described individuals they knew who carried knives and guns as a means of protection and explained how easy it was for them and other young people to buy guns on the street. The low cost of weapons means that they are easily accessible to children.

“You can get a gun really easily these days – it’s about £5. You can get them from anyone these days, just anyone.”

They said that weapons could be used to gain respect from and instil fear in other young people. For some young people “respect” and “reputation” is “all they have”, they explained, and some children

will do anything to keep it.

Young people attempted to explain the reasons why they think children become violent:

“There are so many factors involved, like your upbringing and things like that, and our society in general is like ‘step back, it’s none of our business’.”

“I think it’s to do with peer pressure because they show their gangs that they’re big, it’s a lot of that these days, the only reason they take it so far is to show their friends that they’re tough enough to do it.”

“I think it’s to do with prejudice and stereotypes. I think that’s what’s happening today, with things like yobbish behaviour, and ... people know they’re always getting classed as someone who is always violent... I think that makes them tend to follow that pattern of behaviour.”

“They feel violent themselves – they can’t express themselves so they project it onto others.”

“I think it’s society, because if I feel belittled and don’t feel confident in myself, I need to make myself feel better about myself, and make a name for myself and get respect. Once you feel like that, you make someone else feel little, and continuing and continuing and there should be a way to get into that circle and try and break it up. I don’t know how but there must be a way, but otherwise it will keep on going.”

“They feel out of the community, so they do something against the community. If they felt part of the community and involved, then they wouldn’t take it out on the community.”¹⁵⁶

5.2 Children who are being commercially sexually exploited

In 1999, a study by The Children’s Society estimated that up to 5,000 children in the UK were involved in commercial sexual exploitation at any one time,¹⁵⁷ with a female to male ratio of 4:1.¹⁵⁸ There is little information on the ethnicity of children and young people involved in commercial sexual exploitation in the UK. Research suggests that the age at which children and young people become

“They feel violent themselves – they can’t express themselves so they project it onto others.”

“I’ve had a lot of bad dates. I got raped a few times. I’ve got beaten up quite a few times. I’ve had bad dates like crazy.”

involved in commercial sexual exploitation is getting younger and that more children are becoming involved when they are under 16.¹⁵⁹

Barnardo’s carried out research into the extent of the sexual exploitation of young people in London. A total of 507 separate cases of young people were identified where sexual exploitation was known or indicated. Of these cases, 490 involved young women. Through statistical techniques, the authors estimated that the total number of young people at risk across London was around 1,000.¹⁶⁰ A study by The Children’s Society found that children were involved in commercial sexual exploitation for a variety of reasons, including as a survival strategy, because of poverty, earning money for drugs, and, for some, what they saw as a relatively easy way to earn money for goods they could not otherwise afford.¹⁶¹ However, children are often coerced into sexual exploitation by men they believe to be their boyfriends and are not always aware that they are victims of coercion.¹⁶²

Childhood experiences of sexual abuse feature prominently in the accounts of young people involved in commercial sexual exploitation. While this makes sexual abuse a relevant factor in explaining involvement in sexual exploitation, there is disagreement over whether it is a causal link.¹⁶³ Barnardo’s identified a range of immediate risk factors for sexual exploitation including going missing, placement breakdown, disengagement from education, drugs/alcohol, homelessness, peers’ involvement in prostitution and association with ‘risky’ adults.¹⁶⁴

Child abuse images

Child abuse images are sold, collected and communicated both as hard copies and online. In terms of cases that have been uncovered, police data has given some indication of the scale of the problem (but not the true incidence). In April 2003, one individual admitted possessing 250,000 indecent images and 495 obscene videos of children.

Operation Ore led police to investigate 6,000 people in the UK who had subscribed to a US website featuring child pornography; by June 2003, over 1,600 of them had been arrested.¹⁶⁵

Operation Cathedral in 1998 seized 750,000 child abuse images from a paedophile ring. Over 1,200 different children were identified, of whom only 18 had been found, three in the UK.¹⁶⁶

In recent years the production and distribution of child abuse images has become highly commercialised. In a single police operation in the US, the names and credit card details of up to 250,000 individuals in over 70 different countries were seized. The company concerned had made 1.4 million dollars solely in the last month of trading.

In 1995 police in Greater Manchester in the UK seized a total of 12 images of child abuse. In 2004 the same police force, in a single arrest, discovered one man to be in possession of almost 1,000,000 images. In a typical arrest today, the number of images found would be counted in the thousands or tens of thousands. Worryingly the number of child abuse images in circulation appears to be increasing, and evidence suggests that there has been a significant increase in the number of children being abused in order to create the images in the first place.¹⁶⁷ The Interpol Child Abuse Image Database (ICAID) had more than 125,000 images when it was created in 2001, currently contains more than 520,000 images submitted by 36 member countries. There are an estimated 10,000 to 20,000 child victims of sexual abuse whose images are available on the Internet.¹⁶⁸

Research on the prevalence of children abused through the production of abuse images has been scarce. In the NSPCC prevalence study, less than 1 per cent of the sample of 2,869 young women reported having pornographic photos or videos taken of them before the age of 16.¹⁶⁹ Some incidence studies have included a question on child pornography – for example, in one study of child abuse in Northern Ireland, of the sample of 316 children under the age of 16, nine children, all of them girls (2.7 per cent), had been photographed in a sexual pose.¹⁷⁰

5.2.1 What children say about their involvement in commercial sexual exploitation

“I’ve had a lot of bad dates. I got raped a few times. I’ve got beaten up quite a few times. I’ve had bad dates like crazy.”¹⁷¹

“Normally I was very strict about safer sex...but there came a point when I was on the rent – I felt so low, that I didn’t care whether I got HIV or not. I went with a few guys because I needed love and affection so much; by not using condoms, it made me feel closer to them.”¹⁷²

“There are girls there that have had their throats cut, punched and all that. There was one who ended up chopped up in bits in a plastic bag. I know that every time I get inside a car I’m risking my life.”¹⁷³

“After a while of being abused, you stop caring and you stop caring about your body. Sometimes you just don’t care if you’re safe or not.”¹⁷⁴

“I just think you lose your identity. You become a prostitute and you no longer feel like a human being.”¹⁷⁵

In a joint project in 2001 between ECPAT UK (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes), The Children’s Society, the NSPCC, NCH, and Barnardo’s, supported by Home Office funding, interviews were carried out with 47 young people who were or had been involved in commercial sexual exploitation in England. The views of the participants are presented in a report called *More than one chance!*, which tells their stories in their own words. It looks at how they became involved in commercial sexual exploitation, the pressures that stopped them exiting, what their dreams are, what they needed, and what message they would like to send to government, service providers and society.¹⁷⁶

A report in 2001, *Voicing our views*, also funded by the Home Office, aimed to take forward recommendations from these young people. Interviews revealed that the average age of first involvement in commercial sexual exploitation was 16 and the young people had been involved for an average of four years (n=19). Many (9 out of 23) were pregnant or already had children. Most young people spontaneously disclosed very difficult

family backgrounds, including childhood sexual abuse (12 out of 41), violence (11 out of 41), deaths of parents, and alcoholism and drug use by parents. As many as 77.5 per cent had run away from home at least once; many had truanted from school (only 10 out of 33 had not) and had left with no qualifications (only 10 out of 38 had any). Twenty out of 38 had experience of the looked-after system. The average age for first sexual intercourse was 14, and on average their partner was 6.75 years older (n=25). About a quarter had been coerced by pimps who were on average 12 years older (n=7). As many as 83 per cent had taken drugs. Most felt they had no one to turn to for help. The final report makes a series of recommendations, including the need to commission further research in order to develop profiles of pimps and punters to inform preventative strategies.¹⁷⁷

5.3 Child abduction

The offence of child abduction is recorded in police statistics in the Violence Against the Person category. In 2006/07, there were 697 offences of child abduction, a decrease of 24 per cent from the previous year.¹⁷⁸ In 2002/03, child abduction (including attempted abduction) represented 0.1 per cent of offences (846 offences) in this category, an increase of 45 per cent on the previous year.¹⁷⁹ More than half (56 per cent) of police-recorded child abductions involved strangers. Successful (rather than attempted) abductions by strangers accounted for 9 per cent (68 victims) in 2002/03. Twenty-three per cent of abductions were committed by a parent of the child. At least 6 per cent – but probably more – of child abductions were sexually motivated. Twenty-two per cent of child abductions were classified as “other”, indicating that some relationship existed between the victim and offender prior to the abduction, including “grooming” relationships, familial relationships, friendships, abductions by boyfriends, and abductions for revenge.¹⁸⁰

“After a while of being abused, you stop caring and you stop caring about your body. Sometimes you just don’t care if you’re safe or not.”

“There is sufficient concern about the numbers of unaccompanied minors... to warrant the creation of a new multi-agency response to child migration.”

5.4 Child trafficking

The issue of trafficking in the UK first received public attention when children went missing from the care of social services in West Sussex in 1995. It was discovered that the children – mainly Nigerian girls – were being trafficked for commercial sexual exploitation in Europe.¹⁸¹ A research report by UNICEF UK warns that child trafficking in Britain is increasing rapidly. It is known that at least 250 children have been trafficked into the UK in the last five years, but the lack of monitoring and the difficulty in identifying trafficked children means that the real figure is likely to be much higher.¹⁸² According to Immigration and other organisations, there are 5,000–10,000 unaccompanied children in the UK, and many of these are likely to have been trafficked for sexual or labour exploitation.¹⁸³

In 2000, ECPAT UK began the first research in the UK into the trafficking of children into the country for sexual purposes. The study concerned trafficking from Eastern European and other countries. Twenty-four interviews with professionals (police, immigration officials, non-governmental organisations [NGOs] and others) were carried out, using an open questionnaire. The researchers found that children were trafficked for a number of reasons, including poverty, lack of employment opportunities, discrimination within the culture (for example, defining girls as less important than boys), and instability within sending countries due to conflict. The threat of “voodoo” was also used in the case of the Nigerian girls identified in West Sussex: the girls were tied to their trafficker by a “curse”, which could only be lifted on payment of considerable sums of money.¹⁸⁴

Following research by ECPAT UK into levels of awareness about trafficking in 33 London boroughs, 60 cases of trafficking were identified, although only 35 provided information that confirmed they had been trafficked.¹⁸⁵ Fourteen children were trafficked for domestic servitude (all African); 13 for sexual exploitation (mostly African and Eastern European); one for both domestic work and sexual exploitation; three were exploited for benefits; three were being used as restaurant workers or for contraband (cigarette/alcohol) smuggling.

Of the 35 confirmed cases, 24 were African – from Uganda, Angola, Congo, Nigeria and countries in West Africa. The remainder were from Albania, Kosovo, Lithuania, China, Vietnam and Pakistan. Ten of the cases where age was disclosed involved children under 16, the youngest being only two-and-a-half years old; almost all were girls. The research found a general lack of knowledge among social workers about child trafficking, about how to identify a trafficked child, and how to address their specific needs.¹⁸⁶

In 2003, data was obtained during a three-month operation by UK police at Heathrow airport to monitor and track unaccompanied children arriving at Heathrow airport. Operation Paladin Child revealed that in a three-month period, 1,738 children came through Heathrow without an adult or guardian. Social service departments had been unable to account for 28 of the 551 UMs (unaccompanied minors) notified to them. It reported: “There is sufficient concern about the numbers of UMs... to warrant the creation of a new multi-agency response to child migration.”¹⁸⁷

A 2007 CEOP study uncovered 330 suspected and confirmed cases of trafficked children in the UK. The report concluded that lack of awareness of trafficking among people working with children and young people suggests the true scale of the problem is much higher. The study also revealed a need for better training and resources on how to identify and protect trafficked children.¹⁸⁸

5.5 What needs to be done

Assaults

The physical violence young people experience in public spaces is mostly youth-on-youth assaults, often unreported and extremely difficult for the State or the adult world generally to stop. While fighting, mugging and bullying between children are all deplorable events and may indeed cause significant physical or emotional harm, there is a danger that some interventions designed to stop them may cause more harm than good. A “zero-tolerance” approach may create a lethal net-widening of the criminal justice system or demonise behaviour associated with a stage of adolescence. The dangers of anti-social

behaviour orders (ASBOs) and other punitive measures are discussed below.

On the other hand, we want to encourage children to sort out their differences by non-violent solutions, and it is unacceptable that children should be frightened of walking the streets or travelling by public transport. There is also an increasing mismatch between schools, which are required to have anti-bullying policies and processes, and the other places where children gather outside the home. Research already suggests that the bullying being reduced on some school premises is simply moving to parks, streets and public transport outside school gates.¹⁸⁹

The young people who contributed to this report were alert to the difficulties and complexities of tackling violence between young people; their solutions moved beyond simply punitive measures. The problem first needs to be recognised: young people should be encouraged to talk more about where and why violence occurs, so that adults have a clearer understanding of what is actually happening (not just what is officially reported to them). Respecting children is another part of the solution: making children feel less stereotyped and more a valued part of the communities they live in. “[We need] more youth facilities,” said one child contributor. Underneath that frequently heard statement lies the neglect of youth services, whereby leisure facilities for under-18s receive only a fraction of the resources given to adult facilities. Many teenagers, too young to go to pubs and too old for playgrounds, have no choice but to congregate in bus shelters and street corners, where they attract disapproval and anti-social behaviour measures. We hope that changes brought about by the Education and Inspections Act 2006 will lead to the development of more appropriate services for young people, ensuring that they have places to go, things to do, and adults to talk to who are not parents or teachers. Although child-on-child violence may not be stopped if these changes are introduced, the potential for reducing violence will increase. Some local Crime and Disorder Reduction Partnerships have engaged positively with young people, but others still see them as a problem; some authorities drawing up their Youth Service Plans have made

genuine efforts to consult marginalised young people, while others focus on the more easily accessed mainstream.

Recommendation

- We recommend that local strategies for crime and disorder reduction and youth provision be required to pay specific attention to violence between children and young people, consulting with both young victims and perpetrators and exploring how anti-bullying initiatives, currently operating in schools, can be extended to the wider community. Local youth service planning and provision should ensure violence-reduction is a priority. Greater resources should be given to youth leisure pursuits and to providing places for young people to meet outside their own homes, away from the streets.

Children who are commercially sexually exploited

The Government has not yet ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Pornography despite being recommended to do so by the Committee on the Rights of the Child in October 2002.¹⁹⁰ In July 2004, the Department for Constitutional Affairs published a report of the interdepartmental review of international human rights instruments, which explained why the Government would not be changing its position in relation to this protocol.

“The UK intends to ratify the optional protocol at the earliest opportunity. We need to introduce a range of new offences to ensure that we are fully compliant with the instrument before we can ratify it, several of which, relating to trafficking for the purposes of sexual exploitation and the sexual exploitation of children for gain are included in the Sexual Offences Bill currently before Parliament. The optional protocol, however, also requires the criminalisation of behaviour which does not fall within the scope of the Sexual Offences Bill, such as trafficking people for the sake of

“Research already suggests that the bullying being reduced on some school premises is simply moving to parks, streets and public transport outside school gates.”

“The Government recognises that the vast majority of children do not voluntarily enter prostitution: they are coerced, enticed or are utterly desperate.”

exploiting their labour, transfer of organs and illegal adoptions. These measures will require primary legislation. It is not, therefore, possible to say when we will be in a position to ratify the instrument.”¹⁹¹

This is a disingenuous argument since states do not need to have their legislation in full compliance with a treaty before its ratification: if that were the case, few countries would have ratified the Convention on the Rights of the Child.

The criminalisation of children who are being commercially sexually exploited runs counter to the Convention and Protocol, and children who are involved in sexual exploitation do not lose their rights under the Children Act 1989 to protection from significant harm even if they are over 16 and have entered commercial sexual exploitation without apparent coercion. The Committee on the Rights of the Child recommended in 2002 that the UK Government review its legislation to ensure that children who are sexually exploited are not criminalised.¹⁹²

Guidance issued by the Department of Health in 2000 states that: “The Government recognises that the vast majority of children do not voluntarily enter prostitution: they are coerced, enticed or are utterly desperate.”¹⁹³ This has resulted in better responses to children being abused through commercial sexual exploitation and there has been a decrease in the number of criminal proceedings taken against children. Nonetheless, the Government has steadily resisted calls to decriminalise child prostitution. Although the Sexual Offences Act 2003 introduced a new set of offences on the abuse of children through commercial sexual exploitation, it resisted attempts to ensure that only adults can be prosecuted for soliciting under the Street Offences Act 1959.¹⁹⁴

In 2002 there were a total of 18 cautions for offences relating to commercial sexual exploitation for young people under 18 in England and Wales^H; 37 children were prosecuted in magistrates courts and 24 children were found guilty.¹⁹⁵ The NSPCC has found that 16–17-year-olds involved in commercial sexual exploitation are not given adequate protection under duties in the Children Act 1989 because they are legally free to leave home and over the age of consent regarding sexual activities.¹⁹⁶

The Government’s argument that decriminalising child commercial sexual exploitation will encourage the practice is shameful. Pimps who recruit children and live off their commercial sexual exploitation should be targeted for prosecution, as should their clients. The children should be recognised for what they are – the victims of abuse and exploitation.

The same arguments apply to the use of anti-social behaviour orders (ASBOs) to prohibit young people’s involvement in commercial sexual exploitation. A breach of an ASBO can result in a prison sentence, which is an entirely inappropriate response to the commercial sexual exploitation of a child. Children need help and support, not further punishment.

Recommendation

- We recommend that the Government ratifies the Optional Protocol without further delay; that all children and young people under 18 be exempt from commercial sexual exploitation offences and that effective supports, including exit strategies, are offered to the children involved; that the relevant professionals, including residential and health workers, are trained about sexual exploitation and that all police forces have dedicated posts for the sensitive work with these children; and that ASBOs are not used as an intervention for children who are being commercially sexually exploited.

Trafficked children

Section 11 of the Children Act 2004 places new duties to safeguard and promote the welfare of children on a wide range of agencies. However, the section does not at present include the people who are likely to encounter trafficked children as they pass through ports of entry. In addition, research has found that social workers are failing to receive adequate information and training on supporting, or even recognising, child victims of trafficking.¹⁹⁷

When ratifying the Convention on the Rights of the Child, the UK entered a

^H These offences are under the Street Offences Act 1959 and the Sexual Offences Act 1956 and 1985 and section 46 of the Criminal Justice and Police Act 2000.

(customary) reservation that it will “apply such legislation... as it may deem necessary” to the entering, staying in and departing from the UK and to the acquisition and possession of citizenship.¹ As discussed below, the legal rights of immigrant and asylum-seeking children are often fragile or inferior to those of other children in the country, and this may prevent trafficked children from seeking protection. And indeed, some are treated as illegal migrants, criminalised and held in detention centres.

Article 39 of the Convention on the Rights of the Child requires the Government to take all appropriate measures to promote the physical and psychological recovery and social reintegration of child victims of any form of maltreatment, and states that “such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”. Many trafficked children are profoundly traumatised by their experiences; some remain, with good reason, frightened of those who have exploited them or who they believe possess supernatural powers. The only safe house for trafficked children, the West Sussex Safe House Project for 16–17-year-old girls, closed in 2003 after the local authority withdrew funding.

There should be a clear child rights approach to children who have been victims of trafficking, through the provision of safe accommodation, healthcare, legal services, guidance and educational opportunities.

All children who are suspected of having been trafficked (whether accompanied or not) should be properly assessed; if there is reasonable belief that they have been trafficked, then these children should be accorded a full care order under section 31 of the Children Act. Trafficked children should be given leave to remain, should they wish, where there is evidence that they have been trafficked. The UK Government should remove its reservation from the Convention on the Rights of the Child in relation to immigration, and should ensure proper protection and support for these vulnerable children. Any

return to their country of origin should only be carried out following an independent assessment of whether it is in their best interests to do so.

Section 2 of the Asylum and Immigration (Treatment of Claimants) Act 2004 introduced a new offence of entering the UK without a passport, carrying a maximum two-year custodial sentence. As well as potentially criminalising children entering the UK to seek asylum, this legislation could result in the criminalisation and possible imprisonment of highly vulnerable trafficked children.

Recommendation

- We recommend that the safeguarding duties of section 11 of the Children Act 2004 should be extended to immigration officers, immigration detention centre personnel, staff of the National Asylum and Support Service, and staff of other agencies likely to come into contact with trafficked children; that multi-agency teams are placed in all ports of entry; that childcare professionals are trained on the needs and characteristics of these children; that specialist responses, including the provision of safe houses and independent legal guardians, be developed for this group of children; that where there is reasonable belief that children have been trafficked they should be placed under a care order, be given leave to remain if they so wish and only returned if the authorities are satisfied that this is in their best interests; that section 2 of the Asylum and Immigration (Treatment of Claimants) Act 2004 (making it an offence to enter the UK without a passport) explicitly excludes children as persons liable to commit this offence; and that the UK ratifies the European Convention on Action against Trafficking in Human Beings.

“...such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”

¹The full reservation is “(c) The United Kingdom reserves the right to apply such legislation, in so far as it relates to the entry into, stay in and departure from the United Kingdom of those who do not have the right under the law of the United Kingdom to enter and remain in the United Kingdom, and to the acquisition and possession of citizenship, as it may deem necessary from time to time”. 7 September 1994.

“Although most images are ‘hosted’ overseas, measures can be taken by the UK Government to try and disrupt the trade in images.”

In 2006, the UK Government launched a consultation on a UK action plan to tackle human trafficking. The Government has since acknowledged the need to do more to identify and protect child victims of trafficking in the UK. However, the Government currently remains committed to a programme of forced group returns of unaccompanied minors to Vietnam, Angola and the Democratic Republic of Congo.

Child abuse images

Child sexual abuse and the internet

Concerns about child sexual exploitation and the internet relate both to the grooming of children and the expanding market for images of child abuse. This has resulted in the establishment of a national hotline for receiving reports of potentially illegal internet content and the creation of the Home Office Task Force for Child Protection on the Internet, bringing together representatives from law enforcement, industry and children’s charities.

The work of the task force has led to good-practice models being developed around internet use, awareness-raising campaigns and guidance for parents (for example, NCH, 1996). New criminal offences have also been introduced (Sexual Offences Act 2003). A national centre for combating child sexual abuse on the internet has been formed, as well as the Child Exploitation and Online Protection Centre, which was established in 2006.

But more action is needed. There needs to be a shared understanding across

Government (including the DCSF) of the links between abuse in the online and offline environment. Internet safety needs to have a higher profile within the

Government’s wider safeguarding agenda. More resources need to be devoted to outreach with parents, so that they can engage with and support their children’s use of the internet at home. Schools must have appropriate policies in place and teachers need to be adequately trained. Children continue to require support and advice about how to try to keep safe online. They need to know how to deal with unwanted contact over the internet, as well as understand the dangers of posting information or photographs of themselves online.

Effective measures to prevent the production and dissemination of child abuse images require international cooperation between governments to coordinate policy activity at both national and international levels, and to raise awareness of the extent of the problem. Although most images are “hosted” overseas, measures can be taken by the UK Government to try and disrupt the trade in images.

Recommendations

- The Government must take steps to prevent the making, distribution and trade in child abuse images by taking action to prevent the sale and exchange of images over the internet.
- The Government should ensure that all internet service providers are required to state publicly what they are doing to block access to child abuse images.
- The Government must ensure sufficient policing resources to work on identifying the victims in abuse images.

6. VIOLENCE IN SCHOOLS

“A study of 25 schools in 2000 indicated that in any year 75 per cent of pupils are bullied. Repeated and severe bullying is likely to be perpetrated by around seven per cent of pupils”



“What is needed is training for teachers and non-teaching staff in child protection...”

6.1 Staff violence

Corporal punishment is now fully prohibited in all schools in England and Wales, and there are few calls for its reinstatement. Nonetheless, the relationship between teachers and pupils in UK schools is not violence-free. The importance of tackling bullying between children is now generally accepted, but too little attention is paid to the degree of bullying by the teachers themselves. Conflicts between pupil and teacher can sometimes, as an Ofsted investigation of exclusions observed, involve two immature people needlessly provoking each other.¹⁹⁸ The current obsession with academic standards has arguably led to British schools having unnecessarily tense and conflict-prone teacher-student relationships, particularly in comparison with other European education systems.¹⁹⁹

In addition, small numbers of teachers do sexually abuse children. For example, monitoring by Action on Rights for Children (ARCH) found that during just four months in 2004 (September to December) 20 teachers and two teaching assistants were convicted of child sex offences.²⁰⁰ Some of these convictions related to abuse that had gone on over several years.

Members of the National Association of Head Teachers have recommended that school students should be excluded from school and prosecuted for making malicious allegations of abuse against teachers.²⁰¹ Sexual abuse is an offence that is often difficult to prove. The risk of exclusion or prosecution could both deter abused children from speaking up and be further punishment for an abused child whose evidence has not been sufficient to secure a conviction. There is no evidence of widespread malicious allegations of abuse. Teachers under suspicion should be entitled to due process protections such as anonymity, if and until they are charged (as is currently the case), with suspension on full pay and public exoneration if so requested. But threats of punishment against pupils who falsely allege abuse are inappropriate and counter-productive. What is needed is training for teachers and non-teaching staff in child protection, how to deal with allegations of abuse, and an understanding of why some children make unfounded allegations against staff.

6.2 Violence between students

Home Office and Youth Justice Board (YJB) analyses of young people's experiences of crime make it clear that most offending occurs at school – both violent assaults and thefts. Findings from the 2005 Offending, Crime and Justice Survey show that 28 per cent of the reported assaults with injuries and 34 per cent of assaults without injury occurred at school.²⁰² The YJB survey, which makes a distinction between “being bullied” and “being assaulted” – implying that bullying primarily means being verbally persecuted – indicates that 23 per cent of children had suffered bullying and 13 per cent had been victims of an assault.²⁰³

ChildLine's caller figures from 2006/07 revealed that, once again, bullying at school was the most common reason for children's calls. Of the 165,786 children counselled, 37,644 were counselled about bullying (23 per cent). In over half these cases the caller told of being hit, punched, pushed or beaten up; almost three-quarters (74 per cent) of the bullying incidents had occurred at school; and the majority of calls where age was disclosed came from children aged 12–15 with 35 per cent of calls coming from 11- and 12-year-olds. More than half were bullied by a group rather than an individual.²⁰⁴

In the NSPCC retrospective prevalence study, 43 per cent of respondents reported having experienced being bullied, discriminated against or made to feel different by other children, almost all of this taking place in school.²⁰⁵ A study of 26 schools in Sheffield, involving 2,500 pupils, found that 27 per cent of primary school children and 10 per cent of secondary school children reported being bullied “sometimes” or “frequently”.²⁰⁶ In research by the Thomas Coram Research Unit, 51 per cent of children in Year 5 (primary) and 28 per cent of young people in Year 8 (secondary) reported that they had been bullied.²⁰⁷ Of 37,150 young people aged 10–15 who completed the annual health-related survey administered by the Schools Health Education Unit in Exeter, between 25 per cent and 37 per cent of girls in each year group (10–11, 12–13, and 14–15 years), and between 16 per cent and 25 per cent of boys feared

bullying at school. This was despite a decrease in the incidence of actual bullying among those aged 10–11 since 1996, the first year of the survey.²⁰⁸

A study of 25 schools in 2000 indicated that in any year 75 per cent of pupils are bullied, but that repeated and severe bullying is likely to be perpetrated by around seven per cent of pupils.²⁰⁹ The study looked at bullying both in and out of school. It found that more than one in 10 had experienced severe bullying and almost all had experienced some type of name-calling. There is also evidence of racial bullying of minority ethnic children in the community outside of school.²¹⁰

An estimated 2,725 young people call ChildLine each year to talk about sexual orientation, homophobia or homophobic bullying. This set of issues appears to be of particular concern for boys, as males account for 55 per cent of calls about these issues, even though they account for only 25 per cent of total calls to ChildLine. The most common problem cited by this group of young people was homophobic bullying. Fear of telling parents (or problems after telling them) was also a significant source of concern. Young lesbian, gay, bisexual and transgender (LGBT) people who called ChildLine reported being triply isolated, with schools, friends and families all being unsupportive at best, or overtly homophobic at worst. Young people who were being bullied due to homophobia also reported being in a catch-22 situation: by reporting the bullying to their school or parents, they would effectively “out” themselves. Many were not yet prepared to do this, often because of homophobic attitudes expressed by teachers and parents.²¹¹

There is less evidence concerning the scale of bullying of other minority groups of children. For example, in a Commission for Social Care Inspection report by the Children’s Rights Director nearly a quarter of foster children surveyed (23 per cent) said that they had been bullied simply because they were fostered.²¹² Is it because they were fostered, or because they were from impoverished and socially excluded families? What about, for example, overweight children? With the rise in obesity, one could predict that these children attract disproportionate levels of bullying, but these

less traditional forms of discrimination may be overlooked in research.

An NCH survey in 2002 found that one in four young people were bullied or threatened via their mobile phone or online. Sixteen per cent of young people received bullying or threatening text messages, 7 per cent were harassed in internet chat rooms, and 4 per cent by email.²¹³ Another survey found that both bullies and victims had experienced corporal punishment and violence in the home and elsewhere, and it was these young people – mainly boys – who were significantly more likely to feel it was acceptable for adults to use violence to discipline a child.²¹⁴

We must bear in mind that bullying statistics largely focus on children’s mistreatment of each other, and that all unacceptable behaviour by children is grouped into one category; for example name-calling, pushing, threatening, hitting and stealing are often grouped and recorded as bullying. Yet, adults’ mistreatment of children is rarely grouped together in one category – they are recorded differently, by ChildLine and others, under: neglect, emotional, physical and sexual abuse, and so forth. In addition, some behaviour that is accepted as bullying if committed by children is not yet universally rejected when perpetrated by adults: name-calling and hitting are the most obvious examples.

Bullying is affected by the social context and the norms of the particular setting. It is now accepted that simply identifying and penalising individual employees cannot solve the problem of bullying in the workplace. The management and culture of the organisation must also be addressed. Bullying between children seems more common in schools and in custody than, say, in hospitals and youth projects. A holistic approach addressing the ethos of the setting in which bullying takes place is more likely to bring long-term positive results.

“A study of 25 schools in 2000 indicated that in any year 75 per cent of the pupils are bullied, but that repeated and severe bullying is likely to be perpetrated by around seven per cent of pupils.”

“You get scared and nervous and you’re always frightened. A couple of years ago a boy hung himself because he was getting bullied so much he just couldn’t stand it.”

6.3 Violence in sports education

Limited research on violence against children participating in sport, particularly through sexual harassment and sexual abuse, has been undertaken.²¹⁵ What interest there is has been a reaction to a number of highly publicised cases in the second half of the 1990s, including the sexual abuse of three young females by their judo coach in the Netherlands, and the conviction and imprisonment of a swimming coach convicted of rape in the UK.

The first international study on the human rights implications of involving children in competitive sports was published in 2004. The study estimated that 70 per cent of children involved in competitive sports greatly benefit and are empowered by their activity; 20 per cent are potentially at risk of different types of abuse, violence and/or exploitation; and 10 per cent are victims of some form of violation of their human rights.²¹⁶

Competitive sports can create factors that increase a child’s vulnerability to abuse and violence. These factors are linked in varying degrees to the young athlete’s vulnerability and desire to succeed, the imbalance in the power relationship between the coach or another adult and the young athlete, the commercial or other interests involved, and the fact that many coaches are not sufficiently aware of children’s needs and the developmental stages they go through.

The first serious institutional responses at national level to violence against children in sports emerged during the second half of the 1990s. The most sustained and significant institutional reactions to child protection issues in sports took place in the UK, primarily as a reaction to widely publicised cases of sexual abuse of young people. Child protection measures for both recreational and competitive sports have focused on:

- the adoption of child protection policies and codes of practice
- criminal record checks (of trainers or coaches)
- awareness-raising and training of athletes, parents, coaches and other officials

- the appointment of child protection officers in sports clubs and federations
- the establishment of telephone helplines
- the establishment of conflict resolution and litigation mechanisms
- quality control
- further research on child protection in sport issues.²¹⁷

In 1999, interested parties in the UK established a National Child Protection in Sport Task Force. In its plan of action, the task force requested as a priority the establishment of a Child Protection in Sport Unit, which opened in 2001 – the first of its kind in the world. The unit is a focal point and establishes systems for dealing with allegations of abuse, and develops standards. It provides education and training, minimises the chance of having inappropriate individuals enter the sports world, and provides expert advice on child protection issues and policies.

Recommendation

- We recommend that in order to consolidate and build on progress to date, the UK Government should require all sports authorities, federations, associations, and so forth, to adopt a child protection policy; ensure that all sports organisations have appropriate mechanisms for young athletes, parents or others to file individual complaints, and guarantee that such complaints are properly investigated; and review and amend current legislation and guidance to ensure that the specific risks related to violence in sport are addressed.

6.3.1 What children say about violence and bullying in schools

In the National Children’s Bureau’s study of children’s views on violence, all the young people recognised and condemned bullying, although definitions varied. It was accepted that bullying could attract popularity and admiration.²¹⁸ Bullying by peers was the main concern. Overall, 80 per cent felt that bullying was wrong and a further 12 per cent felt it was “usually wrong”. Young people described people who were bullied as those who were

“different” in some way – for example, because of race, religion, size, sexuality, disability or poverty. It was felt that boys’ bullying was more open, with female bullying being more hidden and private.

“I’m being bullied. I have a disability and it makes me quite slow. I get pushed down the stairs and punched and spat on. They call me a freak. I get so angry. I feel like killing them – even if I have to go to jail.”

“I get bullied by a girl in the third year. Yesterday she tripped me up and kicked me when I was on the ground. She calls me a ‘Paki.’”²¹⁹

“It’s almost 3 o’clock
I wonder when this will ever stop.
They stand and wait,
Outside the gate.
They stand and stare
I wouldn’t dare
My tummy aches
My body shakes
I leave class
I’ve got to pass
I try to hide behind the tree
My head thinks, PLEASE HELP ME!”
(Girl, 11)²²⁰

“At school it’s like a war.” (Girl, 13)

“You can get really badly hurt and sometimes you can’t get help.” (Girl, 10)

“You get scared and nervous and you’re always frightened. A couple of years ago a boy hung himself because he was getting bullied so much he just couldn’t stand it.” (Girl, 12)

“It happens a lot and the bullies don’t stop. It hurts the victims and gives them nightmares.” (Boy, 10)

“When you’re bullied, they either do it for fun or you’re different from them. It can go on for months and people might be scared either to stand up to them or tell someone.” (Boy, 10)

“It’s very common at schools and it completely knocks people’s confidence down and can get very horrible.” (Boy, 10)

“It may not affect the outside, but inside is a different story.” (Boy, 16)

Children contributing to this report said that groups or gangs of children are responsible for most of the bullying taking place in schools. This makes the

problem worse for the person who is being bullied and harder for those who see what is happening and want to do something to help.

“The bullies know that the people they bully get scared of them, so the bullies bully more,” said a 10-year-old girl.

A 17-year-old girl explains: “It’s quite difficult for an outsider who has not been bullied but sees it happening all the time. How do you deal with something like this? It’s not difficult to know that it’s wrong, but trying to stop it from happening is such a huge task to battle between what you are ‘supposed’ to do [keep quiet] and what is ‘right.’”

There is also the potential for intimidation and some children feel pressured to participate in the bullying because they want to earn “respect” and build a reputation among their peers. The issues present on the streets are also present in school, and children will be willing to use violence to impress others or exact revenge if they have been “disrespected”. Some teenage girls gave examples of when they had used violence in school because they felt that other children had “disrespected” their family. Some children feel compelled to intervene directly if they see something happening, or tell a teacher. Other children are too scared to do this, as they fear potential reprisals. As one child said: “You don’t want to intervene because you will be an outcast.”

The children contributing to this report had practical suggestions for preventing violence in schools, including: more support for perpetrators (but also harsher action against them) and victims from teachers; teachers to be trained to stop gang fights in school and more teachers to be present in the playground during breaks; children to be encouraged to speak up if they witness violence; and more after-school clubs and dinnertime activities to include everybody. They do not think addressing violence in school is solely the responsibility of teachers and suggested that parents have a role in ensuring that their children have enough self-esteem to resist peer pressure and getting involved in violence.²²¹

“The bullies know that the people they bully get scared of them, so the bullies bully more.”

6.4 What needs to be done

Bullying is not a simple issue. A child can be a victim one minute and a bully the next. What looks like bullying can be a response to intolerable provocation by the victim or to abuse at home or elsewhere. Punishing someone for bullying may leave victims exposed to nastier but less visible recriminations, for example, outside of school grounds.

Bullying should not be tolerated or ignored and is always wrong, but that does not mean that simplistic responses to it are right. It is a pity that the label “no blame” was given to strategies seeking to support children, while a solution was sought to end the bullying. “No blame”²²² can be misconstrued to imply that those who bully should not be held responsible for their actions, which is the last thing intended by this approach.

Recommendation

- We recommend that the Government recognises that bullying between children demands a more thoughtful response than simply identifying a rule-breaker and applying codified sanctions. Children who bully need to accept responsibility for their actions and be helped to change their behaviour: schools should be prepared to put in whatever effort is needed to achieve this.

7. VIOLENCE IN THE JUSTICE SYSTEM

“I think that prison officers have less power than the police, but they just act as if they’ve more power. I’ve been twisted up and punched and stuff like that in here, but I’ve never been punched by a police officer” (Child)



“Fourteen-year-old Adam Rickwood hanged himself at Hassockfield secure training centre in August 2004. He is the youngest person to die in custody in Britain in the last quarter of a century.”

7.1 The unnecessary incarceration of children

The UK has one of the highest rates of child custody in Western Europe, despite Article 37 of the Convention on the Rights of the Child requiring that child incarceration be used only as a last resort and for the shortest appropriate time. Between 1994 and 2004, the number of children sentenced to penal custody in England and Wales increased by 90 per cent;²²³ during the same time the number of children and young people remanded in custody grew by 142 per cent.²²⁴ This is at a time when recorded offending by children has been in decline for several years. As of June 2005, the number of children in prison (2,326) was 39 per cent higher than it had been a decade earlier.²²⁵ In 2005, in England and Wales, there were 11,936 receptions of children in prison – enough to fill 12 secondary schools.²²⁶

As of March 2007, 2,413 children (72 girls, 2,341 boys) were in custody in England and Wales:

- 1,954 children (81 per cent) were in YOIs or adult prison
- 238 children were in secure training centres (STCs)
- 221 children were in secure children’s homes.²²⁷

According to the CSCI and others, in the two-year period of 2003–04, there were more than 21,000 child admissions to YOIs (about the same number of children as were admitted to local authority care in that period).²²⁸ The Joint Chief Inspectors’ report also raised concerns about young people being inappropriately detained in police cells overnight, before they even come before a court.²²⁹

The high number of children in custody has been criticised by the UN Committee on the Rights of the Child²³⁰ and the Council of Europe’s Human Rights Commissioner.²³¹ A report by the parliamentary Joint Committee on Human Rights, published in December 2004, questions the placing of children in custody at all:

“It is extremely important for the Government to bear in mind Article 3 of

the Convention on the Rights of the Child ... in which any action of the State regarding children must always have the best interests of the child at its core. This raises the crucial question of to what extent imprisonment can ever be deemed in the best interests of the child.”²³²

The rest of this section addresses the violence that occurs against children who are in custody, but the unnecessary deprivation of liberty is also, in itself, a form of violence. Many of the children who receive custodial sentences have had lives of extreme neglect and damage. For example, a joint Youth Justice Board/Prison Service presentation in November 2003 said that out of 100 girls in five establishments and 2,500 boys in 14 establishments:

- 40 per cent of girls and 25 per cent of boys suffered violence at home
- 33 per cent of girls and 5 per cent of boys reported sexual abuse
- 85 per cent showed signs of personality disorder
- 66 per cent of girls and 40 per cent of boys reported anxiety/depression.

One significant indication that custody is a form of violence against children is the high numbers of self-inflicted deaths and injuries that occur in child prisons. Since the UN Secretary General’s Study on Violence Against Children began in 2003, three children have died by hanging themselves in UK child prisons:

- Seventeen-year-old Sam Elphick hung himself in HM YOI Hindley in September 2005
- Sixteen-year-old Gareth Price was found hanged in his cell at HM YOI Lancaster Farms in January 2005
- Fourteen-year-old Adam Rickwood hanged himself at Hassockfield secure training centre in August 2004. He is the youngest person on record to die in custody in Britain in the last quarter of a century.
- Fifteen-year-old Liam Philip McManus was found hanged in his cell at YOI Lancaster Farms in November 2007.

This brings the total number of child deaths in custody to 30 since 1990: 28 self-inflicted, one homicide, and one child death following control and restraint.²³³ Only one of these children

was guilty of a grave crime, such as murder, rape or arson: Gareth Price pleaded guilty to rape. During his custody he tried to kill himself several times, including setting himself on fire.²³⁴ It is doubtful whether any of the others needed to be locked up in order to protect the public from serious harm.

While Gareth Price may have needed to be locked up, this plainly should have been in an institution where his extreme mental distress could have been treated.

Many more children try very hard to kill themselves inside YOIs and STCs, and only the vigilance of staff prevents this. In 2002, the Committee on the Rights of the Child raised concern about the high levels of self-harm among children in custody.²³⁵ Research by the Youth Justice Board found that during 2002 there were 393 incidents of self-harm by children held in YOIs. Of these, about 53 per cent involved cutting and scratching, and 23 per cent involved hanging or strangulation.²³⁶ Prison Service figures show that in 2003 approximately one in 20 children self-harmed.²³⁷ Injuries are not wholly self-inflicted: evidence from the Howard League for Penal Reform to the National Inquiry into Self-Harm showed that the treatment of young people in prison settings following self-harm, such as attempted hanging, is often harsh. Individuals are normally required to strip, so they do not have access to anything which could be tied to a ligature. A refusal to strip results in the child being handcuffed and placed in segregation.²³⁸

The Joint Chief Inspectors' report draws attention to evidence that there are children clearly inappropriately placed in YOIs, who are particularly vulnerable.²³⁹ During 2004, well over 3,000 children assessed as vulnerable (3,337) were sent to YOIs. This figure has increased steadily over the last four years: in 2000/01 the number was 432; in 2001/02 it was 1,875; and in 2002/03 it was 2,903.²⁴⁰

7.2 Anti-social behaviour orders and “naming and shaming”

ASBOs were introduced by the Crime and Disorder Act 1998, but only became widespread after being energetically promoted by the

Government. They are now used disproportionately against children.²⁴¹

In theory, measures to address the underlying causes of misbehaviour are supposed to accompany ASBOs, but, according to research by NCH, the individual support orders that should accompany ASBOs at all times are rarely used. These are meant to be given for any child who is not already receiving tailored support. The study found that, in the period from May to December 2004, support orders were issued only seven times to 10–17-year-olds, while more than 600 ASBOs were given in the same period.²⁴² In addition, parenting orders were very rarely used.

The National Association of Probation Officers and the British Institute for Brain Injured Children have drawn attention to a number of cases where children with neurological disorders, over which they have no control, have been issued with ASBOs. For example, a 15-year-old boy with Tourette's syndrome was ordered not to swear in public. Another teenager, who has Asperger's syndrome, was ordered not to stare into his neighbour's garden.²⁴³

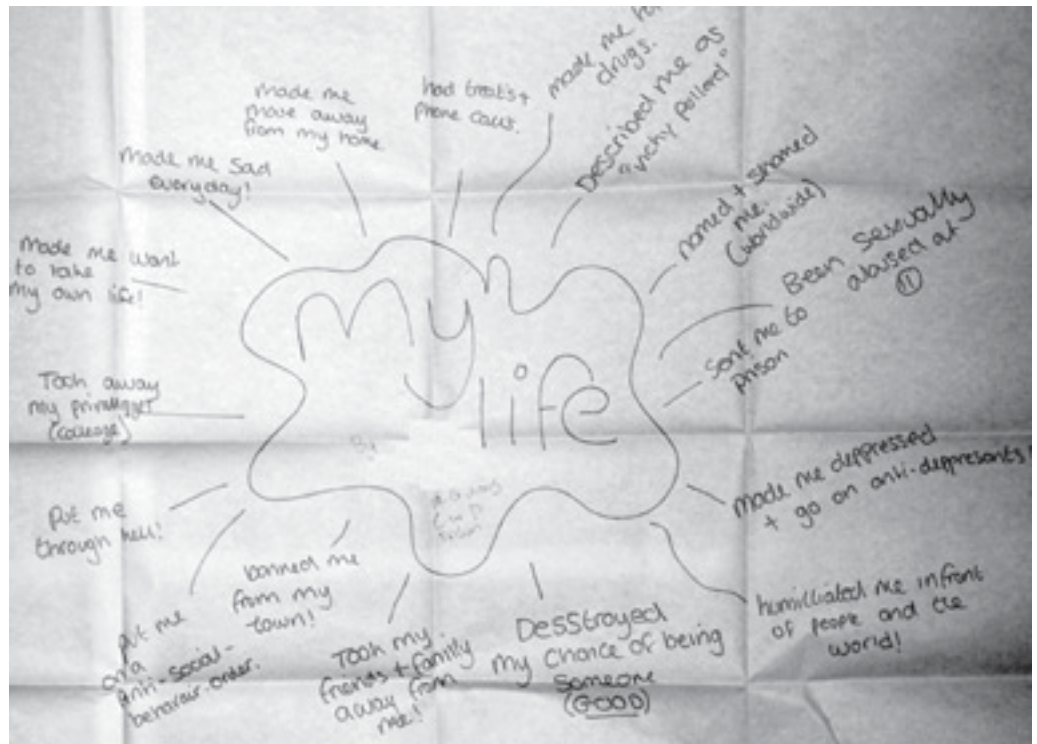
ASBOs have an extremely poor record of success: in some areas of Britain not a single ASBO has remained unbreached. In West Yorkshire 439 ASBOs were breached 1,301 times, and in Durham 74 ASBOs were breached 204 times.

ASBOs have also led to more children being imprisoned.²⁴⁴

Thirty-nine per cent of ASBOs in England are issued to children, whereas children (over 10) make up just 10 per cent of the population.²⁴⁵

The Government has also made a deliberate decision to “name and shame” children on ASBOs. The Anti-Social Behaviour Act 2003 amended the Children and Young People's Act 1933 to make it permissible for children subject to ASBOs to be identified and publicised. Section 141 of the Serious Crimes and Police Act 2005 allows children to be “named and shamed” if they breach an order. ChildLine has reported that children subjected to ASBOs have contacted its helpline with stories of being taunted and provoked. Siblings can also be affected.

“ASBOs have an extremely poor record of success: in some areas of Britain not a single ASBO has remained unbreached.”



7.2.1 What children say about ASBOs

The trials and feelings of a 17-year-old girl placed on an anti-social behaviour order for three years. She was named, photographed and shamed as a “Vicky Pollard” character in a local newspaper and in leaflets distributed throughout her neighbourhood.

7.3 Violence by staff in locked institutions: illegal assaults

In an analysis by the Prison Inspectorate of children’s experiences of prison, 10 per cent of boys and 19 per cent of girls said that insulting remarks had been made about them by a member of staff. Ten per cent of boys said that they had been hit, kicked or physically assaulted by a member of staff. This rose to 12 per cent in one male establishment.

In terms of victimisation by staff, the results showed a statistically significant difference in favour of white male respondents. Almost a third (32 per cent) of boys from minority ethnic groups reported that they had been insulted by staff, compared to 19 per cent of white boys. Similarly, 10 per cent of boys from minority ethnic groups reported being physically assaulted by staff, compared to 4 per cent of white boys. Forty-four per cent of girls from minority ethnic groups said they had been victimised compared to 14 per cent of white girls.²⁴⁶

A recent inquiry found that, even when allegations of assaults by staff on children

are reported to the police, prosecutions rarely result. In one case, in a local authority children’s home, four assaults had been reported to police in the previous year, including one case where a child had the “imprint of a footprint” on his back, but no charges had been brought.²⁴⁷

7.4 Painful and harmful forms of restraint: approved assaults

In October 2002, the Committee on the Rights of the Child raised concern at the high numbers of children who sustain injuries as a result of restraints and measures of control applied in prison. It recommended that the UK Government reviews the use of restraint and solitary confinement in custody, education, health and welfare institutions.²⁴⁸

Prison Service Order 4950 *Regimes for Juveniles* states:

“Force must only be used as a last resort, and no more force than is necessary may be used. The Control & Restraint (C&R) syllabus emphasises the importance of deescalating violent situations by using

interpersonal skills. *Staff must be competent in C&R techniques* and should be sensitive to their use on young people.”²⁴⁹

Gareth Myatt, a small 15-year-old boy, died in April 2004 after being restrained by three prison guards in Rainsbrook secure training centre; the guards used a restraint called the “double-seated embrace”. In her annual report, published in January 2005, the Chief Inspector of Prisons raised serious concerns over the way physical force is used on children in YOIs and questioned prison staff’s restraint techniques.²⁵⁰

The Carlile Inquiry into searching and segregation into restraint in locked children’s custody (established by the Howard League for Penal Reform) found that physical restraint was used 7,020 times on young people in the four STCs between January 2004 and August 2005, 3,359 times in eight secure units between January 2004 and October 2005, and 5,133 times on under-18s in the 12 YOIs between January 2004 and September 2005.²⁵¹ Thus, the youngest group of children – children who were not even locked up by previous governments – appears to be more likely to be restrained than older children.

As a result of Gareth Myatt’s death, the Youth Justice Board published a new code of guidance, *Managing the Behaviour of Children in the Secure Estate*, which includes the guidance that only trained staff may undertake physical interventions. The intervention should always be “as a result of risk assessment”, and used as a last resort, and not as punishment. The code goes on to read: “Methods of restrictive physical intervention that cause deliberate pain must only be used in exceptional circumstances.” This is because the restraint techniques used in these establishments include the euphemistic “nose, thumb and rib distractions”, which deliberately cause children so much pain that they have to stop struggling.

The Children’s Rights Alliance for England (CRAE), using the Freedom of Information Act, obtained data on the number of times children have been given these distractions in the four STCs between November 2004 and November 2005.

Table 3: Distractions used in secure training centres

	Medway	Rainsbrook	Oakhill	Hassockfield	Total
Nose distractions	178	63	146	62	449
Rib distractions	1	6	25	0	32
Thumb distractions	61	45	167	14	287
Injuries from nose distractions	17	8	4	12	41
Injuries from rib distractions	0	0	1	0	1
Injuries from thumb distractions	8	0	0	1	9

This information also noted that none of the injuries led to a child being taken to hospital, as the centres have their own medical staff to deal with minor injuries. In addition, the Carlile Inquiry found evidence of the use of handcuffs as a restraint “demeaning and dehumanising”, as well as the use of strip-searches and solitary confinement in cells. The cells – apparently used as a calming-down measure – often have no furniture or sanitation, and it has been reported that children are sometimes stripped of their clothes. Solitary confinement is prohibited for under-18s in YOIs,²⁵² but the inquiry found that it was used 2,329 times between January 2004 and June 2005 across two YOIs, one secure training centre and three secure children’s homes. The inquiry said that the confinement was in “little more than bare, dark and dank cells, which in effect were inducements to suicide”. In October 2002, the UN Committee on the Rights of the Child raised concern about the use of solitary confinement in “inappropriate conditions”.²⁵³

Recent information obtained through parliamentary questions reveals that restraint is not exceptional:

- Restraint was used in STCs 3,727 times in 2004; 4,285 times in 2005, and 2,988 times in 2006.²⁵⁴
- Restraint was used 732 times in nine months in five LASCHs (Kesteven House, Kyloe House, Orchard Lodge, Redbank and Sutton Place) between February and October 2006. The highest number of restraints occurred in Redbank (242) and the lowest in Kesteven House (99).²⁵⁵

“Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period, and should be limited to exceptional cases.”

- Control and restraint was used 4,207 times in 10 YOIs in the 12 months to October 2006.²⁵⁶

7.4.1 What children say about staff violence

“If you don’t go to your room, they press the red button on radio and people come. Loads of them – at least ten... they restrain you. They take everything out of your door. They lock your door so you can’t go in the bathroom, and they take your curtains. Someone’s got your arm and head down... it makes you want to struggle. It hurts.”²⁵⁷

“There were seven guards and they jumped on me and pushed me to the floor and took hold of my arms and then they pulled them. I was lying down on my front and they pushed my elbows into the sides and then twisted me up.”

“I think that Prison Officers have less power than the police, but they just act as if they’ve got more power. I’ve been twisted up and punched and stuff like that in here, but I’ve never been punched by a police officer before.”²⁵⁸

Boys from a YOI contributed to this report. They said that they were reluctant to report violence they experienced or witnessed for a variety of reasons. They thought it unlikely that children who are “convicted criminals” would be believed if they complained about prison officers. They did not trust the officers and they gave examples of when prison officers had breached confidentiality, for example, telling the other boys that a “new lad” is in for a sexual offence and so exposing him to violence. They also cited times when officers had been dishonest about incidents of violence in support of each other. They saw official complaints as hazardous, because the route for making a complaint is through other officers and so the children put themselves at risk of repercussions, such as further violence, bullying by the officer’s mates or the risk of being shipped out to another prison where the situation could potentially be worse. Another barrier to reporting is that everything has to be submitted in writing: a significant percentage of the boys are barely literate.²⁵⁹

The following quotations are taken from a recent consultation with young people on the use of restraint in custody, which was developed by the NSPCC to feed into the

independent Review of Restraint in Juvenile Secure Settings, commissioned by the Ministry of Justice in July 2007.²⁶⁰ The independent review will be completed by June 2008.

“Loads of them, three to seven screws, jump on you, they bend back your arms and legs, twist your thumbs back. Sometimes I have seen people’s arms and thumbs get broken.”

“...they would put their fingers up your nose and pull tightly. It would feel like they were going to pull your nose clean off.”

“you feel funny, dizzy, like your arm’s breaking, blood goes to your head, your arm stings for about 10 or 20 minutes afterwards, numb and you feel sick with the nose one. Afterwards you have sore arms and wrists, throbbing and can’t move them, like when your arms are dead with pins and needles.”

“It’s like they want to kill you. It’s like they want to knock you out all angry and aggressive – ‘you made me miss my lunch’ or they bring some problem in from outside to inside and take it out on you.”

“Complaints will get thrown out. First place it goes is to the SO (support officer) on the wing. If he don’t agree it doesn’t go anywhere near the governor, it gets thrown out. In two years only one complaint made it to the governor and that’s when they had broken his arm.”

“People need to know their rights more. Officers should try to understand more. Understand that we have to do the time, but should be treated right when we are there.”

7.5 Violence by other children in locked institutions

A report published in July 2005 by HM Chief Inspector of Prisons and the Youth Justice Board²⁶¹ shared that many children were subject to initiation tests on arrival, which included being forced to take part in sexual acts, attacking prison officers and starting fires. Again, this ranged between establishments, with between 25 per cent and 4 per cent of boys and 29 per cent and 4 per cent of girls being subject to initiation tests.

The contribution made to this report by boys in a YOI also mentioned the extremely traumatic journey to the

institution. This occurs in transport vans divided into box-like cells called “sweatboxes”. This is often the place where hostility brews between boys and where a pecking order of “respect” is established by threatening violence. The very poor conditions of the journey from court to locked establishment have been a long-term concern of the Chief Inspectors of Prisons.

The Howard League for Penal Reform also reports that bullying is commonplace in YOIs. Its research found that between one-third and a half of all child prisoners had been a victim of bullying.²⁶² Another survey of staff working in prisons found that the vast majority believed that bullying between young people occurred “more often than not”.²⁶³

7.6 What needs to be done

Article 37 of the Convention on the Rights of the Child states that children must only be deprived of their liberty “as a measure of last resort and for the shortest appropriate time”. Rule 2 of the UN Rules for the Protection of Juveniles Deprived of their Liberty states:

“Deprivation of the liberty of a juvenile should be a disposition of last resort and for the minimum necessary period, and should be limited to exceptional cases.” These international rules also comment that, for children, “strictly punitive approaches are not appropriate”.

While a small number of children may need to be locked up if this is necessary to protect others from serious harm, the considerable numbers of children – and increasingly children of a younger age group – who are locked up in this country, either on remand or for petty offending, are entirely unjustified. Additionally, incarceration is an expensive and counter-productive method of combating juvenile offending, having a higher reconviction rate (almost seven in 10) than any other disposal, save a curfew order.²⁶⁴ This is hardly surprising given the predictably catastrophic effect a custodial sentence has on career prospects and the likely effect on the children’s own self-image, as well as the lack of provision for interventions that seek to address the causes of the offending behaviours, both while the child is in custody and during their post-custodial community sentence.

Imprisonment is undoubtedly the most violent action the Government takes against children. Not only is it damaging in itself, the Government compounds the offence when it fails to protect the imprisoned children from self-harm and harm from staff and other inmates.

Children in YOIs, STCs and immigration centres are, after all, the direct responsibility of the Home Secretary.

Children who are locked up should not lose any rights other than that of liberty (and those consequent to loss of liberty). They should not be placed in penal institutions and should remain the responsibility of their local authority during the period of incarceration in local authority secure children’s homes. These homes are primarily welfare-based with much higher staff-to-child ratios and much more of an emphasis on resolving past traumatic experiences. They provide support to enable children to change their behaviour. Furthermore, children’s services should be central to the welfare of children who are deprived of their liberty. This would mean that local children’s services would have the same obligations in terms of planning, protection and provision of services as they have for other children, as well as financial responsibility for the custodial placement.

Recommendation

- We recommend that only children who are a serious danger to others should be locked up, and only for the period that they remain a danger. No children should be placed in penal custody – they should be placed in secure accommodation and should remain the full responsibility of the local authority.

Anti-social behaviour orders

As discussed in relation to violence in the home and in schools, children can be injured psychologically as well as physically. By using ASBOs, the State itself seems to have turned into a bully, going beyond reasonable and constructive measures to hold anti-social children responsible for their actions and encouraging crudely punitive responses, which are likely to do more harm than good.

“Imprisonment is undoubtedly the most violent action the Government takes against children.”

“The current treatment of children with behavioural difficulties by the youth justice system is both illogical and discriminatory.”

ASBOs appear contrary to human rights. Although the orders can be obtained under a lower burden of proof, as they are a civil order, breaching an ASBO can lead to imprisonment even though the “offence” is not, in itself, a criminal one. The disability organisations rightly express outrage that children with neurological disorders are being given ASBOs, for example, for swearing or staring. We need to ask whether it is appropriate to take any child to court for swearing or staring.

There is evidence to suggest that 57 per cent of ASBOs given to juveniles are breached²⁶⁵, that such orders can simply shift the problem on to other places and times, and that local authorities tend to over-use them and do not put in place appropriate services and other forms of effective support. There is also evidence that help for children and their families can dramatically reduce anti-social behaviour. For example, the University of Glasgow studied 20 Dundee families at risk of homelessness for anti-social behaviour, who were helped by a partnership between NCH and the statutory agencies. Better housing and parenting support, and the resultant rise in social status and confidence of mothers in particular, led to improved behaviour. Opportunities and support, not punishment, are what change lives.

A recent report²⁶⁶ published by the Youth Justice Board in November 2006 stated that Youth Offending Team (YOT) practitioners, and some sentencers, regarded the high level of non-compliance as a key indicator that ASBOs are ineffective. They were concerned that by extending the child’s criminal record, the breach increased the risk of custody in the longer term. The report also states that YOT practitioners tended to think that ASBOs are overused and have little positive impact on behaviour. They typically viewed ASBOs as potentially counterproductive, believing that they undermine positive interventions that are either already in place, or that could have been offered as an alternative to court action. Among the minority of children and their families who saw ASBOs as having a positive role, there was a perception that for the order to fulfil its potential, it needs to be reinforced by strong mechanisms of support.

There were a number of areas considered in the Youth Justice Board report where the use of ASBOs was significantly lower, and there were similarities found in areas where

ASBOs were less frequent. Better-developed partnership arrangements, and greater YOT involvement in decision-making, tended to be associated with lower ASBO use. Also, a greater commitment to partnership-working among lead agencies was frequently indicative of perceptions that enforcement measures should be reserved for cases where other preventive alternatives had been exhausted.

The current treatment of children with behavioural difficulties by the youth justice system is both illogical and discriminatory. For example, the law requires that children with behavioural problems that affect their learning must be assessed by independent experts, and that children’s services must provide them with whatever extra help the experts specify. This is the strongest right children at risk of harm possess in this country, quite unlike services from health, mental health, social work and juvenile justice agencies, which are discretionary and therefore difficult and slow to obtain, as well as being vulnerable to cut-backs. Nearly a quarter of a million children in England have statements of special educational needs setting out their entitlements. Of these, just over 32,000 have stated primary needs defined as “behaviour, emotional and social difficulties” (BESD).²⁶⁷ The group includes a wide range of difficulties, including depression, eating disorders, syndromes such as Tourette’s syndrome or those arising out of cognitive disorders or undeveloped mental illness, and immaturity or lack of concentration, as well as children with the classic symptoms of anti-social behaviour (disruptive, challenging, “conduct disorder”, “oppositional defiance disorder”, and so forth). Information is not available on what proportion of the BESD group displays anti-social behaviour. Children with behaviour difficulties are often sent down the disciplinary/offending route, rather than the welfare or special needs route, and are therefore dealt with by different agencies than other Special Educational Needs (SEN) children.

Children with BESD are undoubtedly among the most in need, both educationally and socially. Not only should their statutory entitlement to special educational provision be recognised, but this should be expanded to non-educational provision (currently discretionary rather than mandatory). Serious anti-social behaviour by children should not

be tolerated or ignored, nor should children be allowed to abdicate responsibility for that behaviour. But there is much evidence to demonstrate that children who display anti-social behaviour, particularly violent, aggressive or sexually harmful behaviour, have experiences of abuse, traumatic loss or other unresolved harmful experiences, which contribute to their behaviours. We must avoid the “no rights without responsibility” debate, which postulates that rights have to be earned by behaving well, and that any child behaving badly has fewer rights. Central to human rights is the belief that rights are an entitlement for all, and are not “earned” by behaving in a certain way. Any state intervention, including specific constraints laid on the child, should be in the context of constructive support, not the negatively punitive response of an ASBO.

Recommendation

- We recommend that ASBOs are abandoned in their current public/penal form, and are replaced by extension of the special educational system of assessment and statement of provision for the child, which would include, for example, mandatory health and social care provision.

“Naming and shaming”

In October 2002, the Committee on the Rights of the Child (CRC) recommended that the Government ensure that the privacy of all children in conflict with the law is fully protected in line with Article 40 of the CRC.²⁶⁸ In his 2005 report on the UK Government, the former Council of Europe’s Human Rights Commissioner, Alvaro Gil-Robles criticised the Government for its naming and shaming policies:

“[It is] entirely disproportionate to aggressively inform members of the community who have no knowledge of the offending behaviour and who are not affected by it, of the application of ASBOs. It seems to me that they have no business and no need to know.”²⁶⁹

Naming and shaming causes public humiliation and may also invite vigilantism, bullying and ostracism, not only of the children concerned, but of their family members and friends. It encourages the demonisation of young people, increasing

public fear of children who may be behaving normally, given their circumstances. It is not helpful to children who want to reform their behaviour and reputation. There is also some evidence (from the YJB report mentioned above) that an ASBO is seen as a badge of honour, and therefore offers limited deterrence. In areas where fewer ASBOs are issued, sentencers operate from a presumption that reporting restrictions should generally not be lifted, and there is a presumption against seeking publicity.

Recommendation

- We recommend that, in line with Article 40 of the Convention on the Rights of the Child, children’s privacy is fully respected and their anonymity preserved at all stages of the criminal justice system, including the application of ASBOs.

Effective complaints systems

Given the high levels of violence revealed in every study of YOIs and STCs, one might expect there to be a high level of complaints by the young inmates, particularly now that the advocacy organisations Voice and the National Youth Advocacy Service are providing services in these establishments.

The latest annual report from Her Majesty’s Chief Inspector of Prisons states that four in 10 boys/young men in YOIs do not expect staff to take seriously their concerns about safety.²⁷⁰ The Prisons and Probation Inspectorate annual report for 2005/06 does not give figures for the number of complaints received from children in prison.²⁷¹

The scarcity of complaints in child prisons is hardly surprising. The boys in the YOI who contributed to this report gave a number of reasons why complaints about officers are not made. These included the fact that the complaints process is not child-friendly, particularly given that many children in custody are not confident about writing or speaking; an assumption that where it was a child’s word against the officer, the officer would be believed, and that other officers would lie to support each other; and, above all, a fear of recrimination (for example, the officer exposing the child’s personal secrets to other inmates or bullying by the officer’s friends or being transferred to another prison). Complaints about bullying by other

“[It is] entirely disproportionate to aggressively inform members of the community who have no knowledge of the offending behaviour and who are not affected by it, of the application of ASBOs.”

“Children should not be transported to custody in frightening and degrading circumstances.”

inmates are also often not made, either because of fear of reprisal or because the victim believes that nothing effective will be done to stop it.

The recent introduction of advocates and designated social workers to YOIs and STCs, coupled with the clarification by Mr Justice Munby that the Children Act 1989 stipulations apply to children in custodial institutions in the area, should have improved matters.²⁷² However, the situation of advocates is less than satisfactory, since their presence in the jail and their rights to represent young people are dependent on the Governor’s discretion. And while all YOI governors now sit on LSCBs, there is not much evidence that social services have implemented their newly clarified duties to safeguard and promote the welfare of children in locked establishments in their area. These children continue to self-harm, attempt suicide and suffer extremes of bullying, depression and mental illness, while local social services seem not to have the opportunity or power to intervene.

The boys who contributed to this report came up with suggestions about the complaints procedure, including having information and policies in audio format, providing Dictaphones to boys unable to read and write, and providing direct access to independent sources (contact details for advice lines, such as ChildLine, next to every telephone, and a television in every cell with a channel that provides information about complaints, what to do about bullying, and so forth). They thought that governors or “external governors” (presumably governors from other institutions) should do cell inspections without prison staff from their unit present, so that the children could raise concerns without fear of reprisal.

The Youth Justice Board’s new code of practice, *Managing the Behaviour of Children and Young People in the Secure Estate*, advises that all custodial institutions must have effective complaints procedures, including information “written in child-friendly language”; explanations from staff during induction; access to an independent advocacy service; stages for resolving complaints, including a speedy informal stage; links where necessary to child protection procedures; and restorative principles to be used in finding resolutions. The establishment must also have a monitoring system to analyse the implications of complaints.

Staff violence: physical restraint

The deliberate use of pain during restraint, through the so-called nose, rib and thumb “distractions”, can only be justified as “necessary” in very extreme circumstances, such as serious threat to life. These distractions are therefore likely to be in breach of Articles 3, 8 and 14 of the European Convention on Human Rights.

It may be necessary to remove violent children from association with other children, but they should be removed to a place that has reasonable amenities, where they can exercise and receive education – not “dark and dank cells”. Handcuffs should not be used inside locked institutions. Children should not be transported to custody in frightening and degrading circumstances.

Recommendations

- We recommend that staff in YOIs and STCs are trained fully in positive communication (in particular, effective ways to avoid and de-escalate conflict) and appropriate methods of restraint before entering the establishment. Staff should be specifically prohibited in legislation from using pain as a deliberate part of restraint, and from using handcuffs. The regulations prohibiting the use of solitary confinement for under-18s should be fully enforced, if necessary by amending the regulations. Children should be taken to custody in ordinary cars, and where necessary provided with refreshments and toilet breaks.
- Children should be given accessible information about the lawful practice of restraint, the prohibition of solitary confinement, and how they can complain (including access to independent advocacy). They should be given assurances that any complaints of mistreatment will be taken very seriously.

Reducing self-harm

Children considered to be at risk of self-harm or of attempting suicide should not be in YOIs, but should be in local authority secure children’s homes, and should have full mental health assessments and Children in Need assessments. Their placement in the corrosive environment of a YOI is an act of

abuse. For example, it is hard to understand how Joseph Scholes, a sexually abused boy who had already tried to kill himself and who had slashed his face 30 times only two weeks before his arrest, could ever have been sent, even for a day, to the YOI where he killed himself. While this two-tier system of child imprisonment is maintained, children's vulnerability should be assessed by experts who are not connected with the supply of locked places. If a safe locked place is not available for a vulnerable child, he or she should not be locked up.

The boys serving sentences at a YOI who contributed to this report made practical suggestions about helping self-harming young people. They suggested that inmates should have access to private phones in their cells, which would enable them to call ChildLine or the Samaritans. They also suggested the allocation of "listeners" for the stressful first night. These would be other boys in the prison who would volunteer to sit and talk to new-comers on their first evening. The boys also thought it would be useful to allocate a "buddy" to each new prisoner, who could explain routines and give useful information about how to avoid problems during their time in prison. For example, they said it was important to let new boys know that some prison officers would try to provoke them and that it was best not to react.

Recommendation

- We recommend that where a child is "vulnerable", they should not be placed in a YOI. Where a child is placed in a YOI, a buddy system should be introduced, along with similar measures involving other children in order to assist in the prevention of suicide and self-harm.

Bullying

In May 2004, all prisons (including YOIs) were required under a prison order to have a violence reduction strategy, which subsumed and updated an earlier requirement to have an anti bullying strategy, itself a model of its kind.²⁷³ A violence reduction strategy for prisons must, for example, include evidence gathering, mainly through focus groups and exit questionnaires; accessible and confidential complaints systems, involving prisoners (including child prisoners) in developing

strategies; practical arrangements (such as providing lockable storage for personal property, training staff in conflict resolution and prisoners for peer-support induction); and systematic monitoring and evaluation. Schools and children's homes would do well to adopt these measures.

One difficulty is that prison orders are not enforceable in law, but operate much as official guidance does in education or health. That is to say, they can be used as evidence in a court hearing, claiming the establishment has behaved unreasonably by not following the order. The result is that, as with guidance, the best institutions follow it, but those most in need of it – the YOIs, which are overstretched, under funded and burdened with poor staff – do not. Another difficulty is that, even if the order was enforceable, who would enforce it? The Prisons Inspectorate is single minded and vigilant in its reports on violence in YOIs, but publication of its reports tends to be delayed and does not automatically lead to action. The Youth Justice Board also has a powerful role, in that it commissions and purchases the use of YOIs and STCs, but it clearly tolerates high levels of violence: only if an institution is on the verge of collapse will it refrain from using it. Once again the responsibility seems to be placed on independent advocates and social services to ensure that the good practice on violence as required in the prison orders is actually undertaken.

Recommendations

- We recommend that enforceable laws or regulations require all locked institutions holding children to take violence-reduction measures as outlined in Prison Order 2750.
- We recommend that advocates and LSCBs use all powers available to them to ensure that YOIs fulfil all the requirements of Prison Order 2750 on violence reduction. LSCBs should be advised to treat bullying as a potential cause of significant harm and should be prepared to move children at risk of such harm to alternative accommodation – unlocked if necessary.

8. VIOLENCE AGAINST IMMIGRANT AND ASYLUM-SEEKING CHILDREN

“A literature review carried out for the Commission for Racial Equality reports widespread ignorance and hostility towards newcomers, especially young adult males”



8.1 Locking up immigrant and asylum-seeking children

Children and their families seeking asylum may be detained at any stage of their application under Immigration Act 1971 powers. The decision to detain them is not subject to any independent judicial review. In December 2003, the Home Office announced that ministerial authorisation would now be required for the continuing detention of any child held in any removal centre for longer than 28 days.²⁷⁴

On 30 September 2006, 20 people who were detained solely under Immigration Act powers were recorded as being under 18 years old. Seventy-four per cent of these persons had been in detention for 7 days or less, 21 per cent for between 8 and 14 days, and 5 per cent for between 15 and 29 days.²⁷⁵ It is not known how many children are detained annually: the Council of Europe's Human Rights Commissioner blamed this on a lack of adequate statistics. The commissioner called for judicial oversight and due process to govern the detention of children, and recommended that the Government produce comprehensive statistics on the issue.²⁷⁶ But a study by Save the Children UK estimates that around 2,000 children are detained with their families every year in the UK for the purposes of immigration control.²⁷⁷ The study found that the length of time varied considerably from seven to 268 days. The Refugee Council reports that, of the 540 children who left detention in the last quarter of 2005, 70 had been held for 15–29 days, and 25 for between one to two months.²⁷⁸ The number of children detained with their families is likely to continue to increase.

Although it is not Government policy to lock up unaccompanied minors, this does occur in cases where a child's age is disputed. Again, in the absence of official figures, it is hard to assess the extent of this problem. The Children's Legal Centre reports that, during 2005, Cambridgeshire social services received 241 referrals of age-disputed cases from Oakington immigration removal centre. Of these, social workers assessed 166 individuals and found 101 (61 per cent)

to be children. All of these children were unlawfully detained.²⁷⁹

There has been some progress on the detention of "age-disputed cases" (where the Home Office does not believe that the claimant is under 18) at Oakington.

Home Office guidance has been strengthened so that individuals whose age is in dispute can now only be detained if one of the following applies: there is credible evidence that they are 18 or over; a full social services assessment has been carried out and confirmed them to be adult; or the person's physical demeanour very strongly indicates that they are aged 18 or over, and no other credible evidence contradicts this.²⁸⁰

While the new guidance is to be welcomed, the Children's Legal Centre sounds a note of caution about the practical implementation. The old form given to individuals who claimed they were under 18 but were detained, informed them that they could contact the local children's social services to obtain a social worker assessment of their age. This advice has been removed from the new form.

Children in families may also be locked up as part of the fast-tracking procedure to speed up the processing of asylum claims. The Government claims that this involves only a short detention period, but a study of 10 cases found that seven children were detained for periods over 13 days and three of these were detained for over 100 days, in institutions not designed to meet the longer-term needs of young people.²⁸¹

Being locked up has a detrimental impact on the physical and mental wellbeing of children. Research by Save the Children UK found that children in detention suffered from weight loss, sleep deprivation, skin complaints and persistent respiratory problems.²⁸² These symptoms were particularly apparent in children who had been detained for more than 100 days.

HM Chief Inspector of Prisons has consistently said that the welfare needs of children cannot be met in detention centres and has called on the Government to ensure that the detention of children should only be in exceptional

“Being locked up has a detrimental impact on the physical and mental wellbeing of children.”

“The children were sick in detention. My daughter Sylvie said she was going to kill herself in there. She was crying all the time. She would be sucking her fingers and saying: ‘I’m going to kill myself.’”

circumstances and only for a matter of days. Inspections of these centres have uncovered inadequate child protection safeguards and a consistent failure to identify children’s needs.²⁸³

8.1.1 What children say about immigration detention centres

“The children were sick in detention. My daughter Sylvie said she was going to kill herself in there. She was crying all the time. She would be sucking her fingers and saying: ‘I’m going to kill myself.’”²⁸⁴

“After the detention Michael was in a bad way. The bedwetting was a problem again and he had nightmares. He wouldn’t go upstairs without me. At 9pm I took him to bed. I had to go to bed as well because he wouldn’t let me leave... Michael was afraid of the police coming again. He was always afraid. He kept asking questions like ‘what if they come and you are not in. Will they come and get me at school?’ Now he is better – it took a long time for him to get better, about a year and a half. It was one year ago we had good news. We won our appeal on human rights grounds. [Michael] was so happy [...], but his problems continued for some time afterwards. He continued going to the hospital for counselling for a while.”²⁸⁵

8.2 Children sent back to violent or unsafe situations

In September 2005, the Government set itself a target for the end of that year: it would remove more failed asylum seekers per month than the number of unfounded asylum claims made during the same month. Restricted access to legal advice, poor initial decisions, and an inadequate appeals system all contribute to a considerable risk that people will be wrongly returned to their country of origin to face persecution, torture, and even death. In particular, fast-tracking age-disputed cases may result in vulnerable children being returned to their countries of origin without the benefit of an in-country appeal and with no reception arrangements in place, since they are being treated as adults.

The UK Government is also planning to introduce a scheme of forced return for

separated children whose asylum claims have failed. Current practice is to grant these children leave to remain until they are 18, but in the near future they will be returned if the Home Office believes adequate reception arrangements are available in the country of origin. It is likely that returns will be made first to countries deemed safe, such as Vietnam (known to be a source country for child trafficking). The Government does not yet have a system for obtaining either objective evidence of the situation in “safe countries” for children, or a means of investigating whether an individual child can be safely returned to his or her parents or institutional care.

8.3 Violence and hostility towards immigrant and asylum-seeking children

A BBC report in March 2005 revealed serious racial abuse of detainees held at Oakington removal centre.²⁸⁶ The allegations were serious enough for the Medical Foundation for the Care of Victims of Torture to request that the Home Office release children from the centre on child protection grounds pending investigation of the allegations.²⁸⁷ This request was rejected by the Government, but it asked the Prisons and Probation Ombudsman (PPO) to carry out an investigation into the allegations. The PPO report, published in July 2005, made 54 recommendations, including strengthening management, improving monitoring of people at the centre and improving the attitude of staff towards detainees.²⁸⁸

Some tabloid newspapers are consistently unfavourable in their coverage of asylum-seekers and refugees, portraying them as fraudsters, criminals or terrorists, and a drain on resources. A recent study reported that two-fifths of people who felt less positive towards refugees and asylum-seekers were influenced by newspapers. It found that no other prejudice was as influenced by newspapers as that towards refugees and asylum-seekers.²⁸⁹ A literature review carried out for the Commission for Racial Equality reports widespread ignorance and hostility towards newcomers, especially young adult males.²⁹⁰

8.3.1 What children say about violence and hostility

One report found that a third of 47 children seeking asylum in Wales have experienced racial abuse and harassment.²⁹¹ For example, a 12-year-old girl described how she had been called “Paki” and said that people said she was related to Osama bin Laden. A 16-year-old boy said that he was subject to name-calling every day at school, and recounted having a bottle of water thrown over his head.

“A 16-year-old boy said that he was subject to name-calling every day at school, and recounted having a bottle of water thrown over his head.”

8.4 What needs to be done

Recommendations

- We recommend that failed asylum-seeking/immigrant children be returned to their country of origin only when authorities are satisfied that their welfare and safety will be secured and it is in their best interests, and that this has been subject to independent verification. We also recommend that the Government takes the lead on ensuring a balanced and accurate debate on asylum and promoting the positive contributions that refugees make to their host countries.
- We call upon the UK Government to end immediately the harmful practice of placing any child in detention, and to ensure that alternative measures comply fully with its human rights obligations.

9. CHILDREN IN THE ARMED FORCES

“It is clear that the Deepcut regime was harsh, unpleasant, isolating and, according to a number of allegations, likely to include forms of bullying and harassment”



In 2002, the UN Committee on the Rights of the Child recommended that the UK Government ratify the Optional Protocol on the Involvement of Children in Armed Conflict and take all necessary measures to prevent the deployment of persons below the age of 18 in armed conflict.²⁹² The Government ratified the Protocol in 2003, but with a far-reaching declaration that reserved the right to deploy under-18s when it considers there to be a “genuine military need” – a reservation which effectively nullifies the point of the optional protocol.

9.1 What children experience

The UK shares the lowest minimum age of recruitment in Europe and has been the only European country to send under-18s routinely into battle.²⁹³ The Armed Forces do not recruit under the age of 16 (though recruitment procedures can begin at 15 years and nine months). In October 2002, the Committee on the Rights of the Child expressed deep concern that about one-third of the annual intake of recruits into the armed forces is below the age of 18 and that the armed services target children for recruitment.²⁹⁴

In January 2006, Lord Lester of Herne Hill asked the Government whether it would increase the minimum age for recruitment to the armed forces to 18. He received this reply:

The Parliamentary Under-Secretary of State, Ministry of Defence (Lord Drayson): “The Government has no plans to delay formal enlistment age into the Armed Forces until an individual’s 18th birthday. If the armed forces were required to raise the minimum age of entry, it would create serious manning problems, since 35 per cent of all recruits in the financial year 2004/05 were aged below 18. The services, in particular the Army, would be unable to man current structures and maintain current capabilities. It is probable that, should the minimum entry age be raised, good quality school leavers would settle into other careers and thus be lost to the services.”²⁹⁵

Even if under-18s take no part in armed conflict, military training in itself is extremely stressful and sometimes harmful.

A recent report by the Commons Defence Select Committee²⁹⁶ has called on the Ministry of Defence to examine the potential impact of raising the recruitment age for all three services from 16 to 18 years. The report was prompted by the death of four young recruits at Deepcut Barracks, in Surrey, between 1995 and 2002. Two of the recruits were under 18. The Defence Select Committee accused those responsible for training the soldiers of a “catastrophic failure” in their duty of care and raised serious concerns about the lack of safeguarding arrangements in place for young people in the armed forces.

A formal review into the Deepcut deaths by Nicholas Blake QC reported in March 2006²⁹⁷ addressed the adequacy of the inquiries into these deaths (see pages 49-63). The review also considered the prevalence of bullying and maltreatment of young people undergoing army training and whether the age for recruitment should be raised to 18. Rather bizarrely, the review concluded that it would be a “disservice” to the dead young recruits to portray them as “victims of bullying”, and said that there was no evidence to suggest they had been, as news reports put it, “bullied to death”. Nonetheless, it is clear that the Deepcut regime was harsh, unpleasant, isolating and, according to a number of allegations, likely to include forms of bullying and harassment. The dead recruits had experienced assaults and humiliating punishments. One recruit was forced to do press-ups while his face was held in a puddle, and there is a possibility that female recruit Cheryl James was subject to “sexual attention by an instructor”.

The Adult Learning Inspectorate concluded that poor information-sharing in the army could lead to vulnerable young recruits slipping through the net. It found that suicide rates among army recruits under the age of 20 are 1.7 times higher than their civilian counterparts, and several times higher than their peers in the Royal Navy and the Royal Air Force. Lack of data held by establishments also means that there can be no certainty regarding whether or not individuals are at risk of suicide. The Inspectorate also found that some forms of accommodation where recruits live are “little better than slums”.

“The UK still recruits 16-year-olds to the armed forces – one of the lowest official voluntary recruitment ages of any country.”

“Despite representations from NGOs, the Ministry of Defence is not prepared to raise the age of recruitment or allow children who sign up at 16 to leave the army at 18.”

The report called for more specialised professional training in counselling; the identification and support of vulnerable young people and those prone to self-harm; and more effective responses to behaviour problems, including bullying.²⁹⁸

The lack of safeguarding arrangements raised by the House of Commons Defence Committee and the Adult Learning Inspectorate were again highlighted in the second joint report by Chief Inspectors on arrangements for safeguarding children. The Chief Inspectors suggested that the National Minimum Standards for residential provision for under-18s in further education colleges could be modified slightly to help focus on the vulnerability of young recruits and their particular safeguarding needs.²⁹⁹

Despite representations from NGOs, the Ministry of Defence is not prepared to raise the age of recruitment or allow children who sign up at 16 to leave the army at 18. However, there is a genuine problem about the enlisting age: some young people wish to join up when they leave school, and object to treading water in further education, minimum wage jobs or job-seekers allowance for two years while they wait to become 18. Nicholas Blake, in the Deepcut review, made a number of suggestions as to how this could be achieved with young people’s best interests as a primary concern. These included changes in training (shorter and separated from adults), better assessment, better information about army life, closer involvement of family members, an absolute entitlement to a discharge at 18 and so forth.

9.2 What needs to be done

This report is specifically about violence against children. Nicholas Blake’s suggestions in the Deepcut review for retaining recruitment at the age of 16, with added safeguards, may well be the best solution until the time, as he puts it, that “educational opportunity for 16–18 year olds in the UK becomes so diverse and well-resourced that it provides everyone the opportunity of acquiring better life skills in civilian society”. But even with his added safeguards, we are still left with the fact that some children in the armed services are being trained to

kill people, and may indeed be deployed to do so. This can only be harmful – not to say lethal – to the proper development of children.

If young people are to be recruited at 16, then the content of their training should only include the non-violent aspects of military training, such as fitness, leadership, communications, peacekeeping, engineering and so forth. This would have the added advantage of protecting under-18s, who are untrained in active combat, from deployment in violent aspects of the military. If this were the case, and if young people were entitled to a discharge at 18, then it would be hard to distinguish between this form of “recruitment” and a civilian education for this age group.

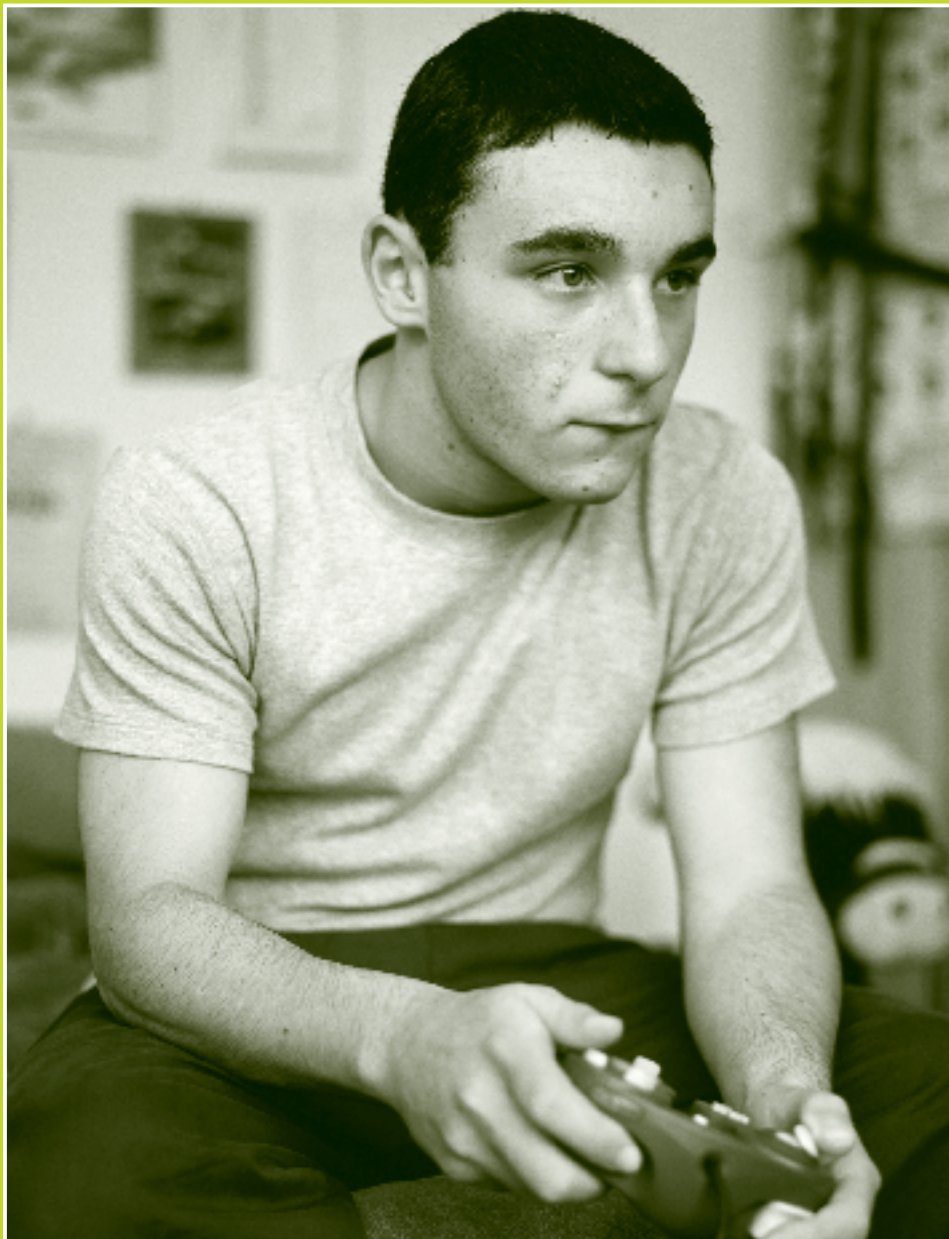
Otherwise, we strongly endorse the Deepcut review’s recommendations, including those relating to the investigation of complaints, access to weapons, the vetting of instructors and clearer limitation on acceptable sanctions.

Recommendation

- No person under the age of 18 should be deployed in armed conflict, and the UK should withdraw its declaration to the Optional Protocol on the Involvement of Children in Armed Conflict. If young people are able to enlist in the British Armed Forces at 16, their training should be limited to the non-violent, non-combative aspects of military life, separate from adult recruits. The recommendations of the Deepcut review regarding other measures to safeguard their welfare should be adopted, including giving young people an absolute right of discharge at 18.

10. VIOLENCE IN THE TOY AND GAME INDUSTRIES, AND IN THE MEDIA

“There is a broad consensus that a steady diet of violent images does nothing positive for children’s development”



“...as violence does become more acceptable in media and films, it’s seen as an everyday occurrence – they see it as okay, in a sense.”

Do violent films, video games and other media encourage violent behaviour in children? Sociologists are hotly divided on this issue. One comments:

“For more than 100 years, each time our society has found itself in confusion or crisis, there have been attempts to shift the blame for social breakdown on to the media: penny dreadfuls, music hall, film, rock music, horror comics, television and now video games have each in turn played the role of the ‘witch-essences’, which must be causing street crime, cruelty to children, attacks on horses and so forth, and so forth. Again and again, it has been shown that attacks on the ‘influence of the media’ act as masks for other kinds of social concern. Each attack claims that ‘This time it is different, this time there are special dangers.’”³⁰⁰

10.1 What children experience: violence and entertainment

Empirical research into this subject is problematic, not least because of the impossibility of controlled experimentation. Finding the link between smoking and cancer – disputed for decades – is child’s play in comparison. There is, nonetheless, a broad consensus that a steady diet of violent images does nothing positive for children’s development. Sexual violence and sadistic pornography pose obvious dangers to children’s sexual development. Teenagers now have unprecedented access to hardcore pornography through the internet, including scenes of rape and child abuse, and the most violent films can be downloaded with ease. A recent survey by the teenage magazine *Sugar* found that 32 per cent of respondents aged 13–18 had opened a text message to find an X-rated video, picture or message. One in 10 respondents had been asked intimate questions in internet chat rooms.³⁰¹

10.2 What children say

Research carried out between 1993–98, involving a questionnaire survey of 1,600 children and young people aged eight to 18, and in-depth individual and group interviews with around 60 children and young people, highlighted the importance of video games for fostering

and maintaining friendships among boys.³⁰² Violent games were enjoyed by both girls and boys, although more boys than girls (at secondary school age) expressed a liking for “beat-em ups” and “shoot-em ups”. The research suggests that one reason for choosing violent games was that many were for two players, providing opportunities to play with friends. Of the children who commented, many denied that they were negatively affected by the violence.

“People think that video games and so forth promote violence – no they don’t. Adults think that children are mindless cretins, devoid of culture and are hermits who only inhabit their rooms, with goon-like eyes fastened only to their computer screens. This is rubbish. Children are smarter than they appear. Just because Kao Lung in “Mortal Kombat” punches his opponent in the face and his head comes clean off, doesn’t mean that an ‘impressionable’ child will do the same, despite the excess amounts of blood.” (Boy, 15)

The children contributing to this report were also divided about whether violence in the media affected their behaviour. One 16-year-old girl said: “I think that as violence does become more acceptable in media and films, it’s seen as an everyday occurrence – they see it as okay, in a sense.”

Some children also brought up the news media and the role it plays in reporting “real” violence, such as war. When children see images of war on the television news or in the print media it does impact on them. They also view adults as hypocritical when they say that violence is “wrong”, but then defend it in some cases as legitimate. A 17-year-old girl pointed out that when the Government condemned children for anti-social behaviour, “it was at the same time they were discussing anti-social behaviour legislation... to fight violence and crime here at home, they’re joining America and doing it abroad. What about the young people in those countries?”³⁰³

The issue of violence in the media was addressed by the young people in the *Respect* study with special attention to computer video games.³⁰⁴ Seventy-three per cent of boys and 39 per cent of girls said they “sometimes” or “regularly”

played computer games. The most popular type of game was of the “quest” type (21 per cent), and 10 per cent chose those centred around fighting. Games chosen included “Street Fighter”, “Mortal Kombat”, “Killer Instinct”, and “Command and Conquer”. Young people tended to deny the suggestion that this would encourage violence among themselves, but thought that younger children might be more susceptible, though examples were also given where they thought people’s behaviour was related to their playing of violent games. The key issue seemed to be young people’s ability to distinguish between fantasy and reality. The same was said in relation to films. Some felt that TV sports coverage and violence in nature and wildlife could be potentially as influential in terms of violence as films or computer games, depending on the sensitivity of the viewer.

10.3 What needs to be done

While people will differ as to where to draw the line over children’s access to violent images, almost everyone agrees that children should not be exposed to graphic scenes of rape or torture. But ensuring this is not easy. While protective parents can, for example, put blocks on their children’s internet access or maintain strict rules about adult films, there is often a friend whose parents are not so careful. Any determined child is likely to be able to find whatever he or she is looking for. Not all schools, libraries and other public outlets for the internet ensure child-protection blocks, and more could be done to inform parents about how best to oversee their children’s use of the internet.

One current anomaly is an inconsistency between the types of protection offered by the different media. DVD and computer games packaging, for example, not only includes the age rating, but also specifies what type of violence is shown (“surreal”, “bloody”, “mild” and so forth) and what type of sex (“nudity”, “graphic”, “homosexual”). TV listings, on the other hand, often do not even tell parents and children what rating a film has. Although television stations operate the 9pm watershed to shield children from unsuitable viewing, adult films may be

shown in, for example, planes, coaches or waiting areas to which children have access. And both films and television programmes have much stricter rules about violence than popular music – the messages in “gangsta rap” or reggae inciting violence against homosexuals would never be allowed by the film and computer games censors or the Independent Television Commission. It would seem sensible for all forms of media to adopt consistent measures to protect children from potentially disturbing images or messages of violence.

Recommendation

- We recommend that consistent detailed information is always provided about the violent images and messages contained in all forms of media; that consistent measures are taken to protect children from having unsupervised access to these images and messages, and that more resources are devoted to outreach work with parents, so that they can engage with and support their children’s use of the internet at home. The Government should also require that schools deliver internet safety programmes in Personal, Social Health and Economic Education (PSHE) in all schools, so that children know how to keep themselves safe online. Teachers must be fully trained to engage with both the opportunities and the risks posed by the new internet technologies.

“The key issue seemed to be young people’s ability to distinguish between fantasy and reality.”

11. HARMFUL TRADITIONAL PRACTICES

“It has been estimated that around 74,000 women living in this country have undergone FGM”



11.1 Female genital mutilation

Female genital mutilation (FGM) is sometimes known as “female circumcision”, but should more accurately be called “female castration”. It is practised in mainly Muslim communities in at least 28 African countries and parts of the Middle East, but the practice predates Islam and is not condoned in the Koran nor sanctified by mainstream Islamic teaching. Reasons for supporting FGM include religious justifications, the suppression of female sexual pleasure in order to secure chastity, cultural identity, hygiene, aesthetic preference and superstitious beliefs that, for example, female genitalia harm babies or cause infertility.

FGM is usually carried out on girls between the ages of four and eight. In most cases the operation consists of clitoridectomy (where all or part of the clitoris is removed) and excision (removal of all or part of the labia minora). In about 15 per cent of cases the girl also suffers infibulation, which involves cutting of the labia majora to create raw surfaces, which are then stitched or held together in order to form a cover over the vagina when they heal. A small hole is left to allow urine and menstrual blood to escape.

There are no figures collected on the number of girls or women affected by FGM in the UK. It has been estimated that around 74,000 women living in this country have undergone FGM, and the Foundation for Women’s Health Research and Development (FORWARD) estimates that 25,000 girls under 16 are at risk of FGM³⁰⁵. The Female Genital Mutilation Act 2003, which came into force in March 2004, confirms the illegality of this brutally painful and mutilating practice, and makes it a crime for parents to take girls abroad in order to inflict it upon them elsewhere. The act increases the maximum sentence for performing or procuring female genital mutilation from five years to 14 years imprisonment.

11.1.1 What children say about female genital mutilation

“I was genitally mutilated at the age of 10. I was told by my late grandmother that they were taking me down to the river to perform a certain ceremony, and afterwards I would be given a lot of food

to eat. As an innocent child, I was led like a sheep to be slaughtered.

Once I entered the secret bush, I was taken to a very dark room and undressed. I was blindfolded and stripped naked. I was then carried by two strong women to the site for the operation. I was forced to lie flat on my back by four strong women, two holding tight to each leg. Another woman sat on my chest to prevent my upper body from moving. A piece of cloth was forced in my mouth to stop me screaming. I was then shaved. When the operation began, I put up a big fight. The pain was terrible and unbearable. During this fight, I was badly cut and lost blood. All those who took part in the operation were half-drunk with alcohol. Others were dancing and singing, and worst of all, had stripped naked.

I was genitally mutilated with a blunt penknife.

After the operation, no one was allowed to aid me to walk. The stuff they put on my wound stank and was painful. These were terrible times for me. Each time I wanted to urinate, I was forced to stand upright. The urine would spread over the wound and would cause fresh pain all over again. Sometimes I had to force myself not to urinate for fear of the terrible pain. I was not given any anaesthetic in the operation to reduce my pain, nor any antibiotics to fight against infection. Afterwards, I haemorrhaged and became anaemic. This was attributed to witchcraft. I suffered for a long time from acute vaginal infections.”³⁰⁶

11.2 Male circumcision

While male circumcision does not inflict the same level of mutilation as FGM, it is nonetheless a medically unnecessary intervention on children, which has caused serious injury and even death to a number of boys in the UK. It is also something which a (relatively small) group of adult men bitterly regret, condemning it as “human vivisection” and sexual abuse. Male circumcision is, however, considered by many to be a tenet of two major world religions – Judaism and Islam – and has been the cultural norm in some Western countries. An estimated 21 per cent of UK males are circumcised, though with significantly lower rates for younger age groups.³⁰⁷

“I was not given any anaesthetic in the operation to reduce my pain, nor any antibiotics to fight against infection.”

“My mother was caught between my feelings and the community’s expectations. They made me feel that I would dishonour my family if I didn’t marry him.”

11.3 Forced marriage

The UK Government defines forced marriage as “a marriage conducted without the valid consent of both parties, where duress is a factor. It is a violation of internationally recognised human rights standards and cannot be justified on religious or cultural grounds.”³⁰⁸

Forced marriages are distinguished from arranged marriages; in an arranged marriage, though parents and other adults have a lead role in choosing partners, the young people have a right to consent or refuse consent.

It is difficult to know the full extent of forced marriage in the UK, as many cases never come to the attention of the authorities. The Forced Marriage Unit at the Foreign and Commonwealth Office is notified of around 300 cases a year³⁰⁹, but it is estimated that there could be as many as 2,000 per annum.³¹⁰ The NSPCC Asian child protection helpline reported that in 2001/02, 10 per cent of calls received were about forced marriage.³¹¹ Of the cases referred to the Foreign and Commonwealth Office, approximately 15 per cent involve young men. The majority of cases involve families from South Asia, although there are cases involving families from East Asia, the Middle East, Europe and Africa.³¹²

11.3.1 What children say about forced marriage

“Once they had taken me out of the country there was nothing I could do. I had no contact with anyone but the family. My mother was caught between my feelings and the community’s expectations. They made me feel that I would dishonour my family if I didn’t marry him.”³¹³

“People don’t realise that men can also find themselves in this situation. I don’t know if I could have told anyone even if I had the chance to. It’s not exactly macho, is it, admitting that you were held hostage by your family and forced to marry someone you’d never even met.”³¹⁴

“My father found out that I had a boyfriend and that changed everything in our family. He literally kept me prisoner in the house, wouldn’t let me see my friends and then started planning

my wedding – to a man I had never met! He said I had to follow our customs, and there would be no discussion. I didn’t have any way out.”³¹⁵

11.4 Children tortured as witches

In 2001, the torso of a young boy was found in the Thames. Forensic science identified the body as having come from western Nigeria, and cultural investigations concluded that the boy, nicknamed “Adam”, had been murdered as part of an African quasi-religious ritual.

While belief in witchcraft is part of unofficial African superstition, beliefs that children can be possessed by evil spirits and become witches also prevail in some African Christian churches. Victoria Climbié was alleged by her great-aunt to have been a witch, and the pastor in her church had been more concerned with violently exorcising Victoria’s demons than protecting her from abuse. He formed the view that she was possessed because she was reported to be incontinent.³¹⁶ In 2005, three adults were convicted of torturing an eight-year-old Angolan orphan – “Child B” – because they believed her to be a witch. For months she was beaten, starved, cut with a knife and had chilli peppers rubbed in her eyes.³¹⁷

As a result of these cases, Scotland Yard set up Project Violet to investigate ritual abuse in churches and in African and other minority communities. For example, a Bangladeshi mother was found guilty of shaking her baby, causing brain damage, because she wanted to purge the “evil spirits” that were causing him to cry.³¹⁸ Nineteen children have been rescued from beatings and other forms of cruelty inflicted for religious or superstitious reasons; the police have met with pastors and other church leaders to discuss the problem.³¹⁹

The Department for Education and Skills published research on child abuse linked to accusations of “possessions” and “witchcraft” in 2006.³²⁰ The report concerns the frequency and severity of child abuse linked to accusations of “possession” and “witchcraft”. It identifies key features common to these cases, draws conclusions and makes

recommendations. The report stated that belief in “possession” and “witchcraft” is widespread. However, the UK is not alone in seeing cases of this nature: cases have been reported worldwide. The children discussed in the report came from a variety of backgrounds, including African, South Asian and European.

The number of cases of child abuse linked to accusations of “possessions” and “witchcraft” so far identified is small compared to the total number of children abused each year. There appear to be common features between cases, such as children being scapegoated, family structure and disability. The abuse consists of severe beatings and other premeditated cruelties, such as starving, burning and isolating the child. The perpetrators are usually carers – often not the natural parents – and the abuse occurs in the household where the child lives. As a last resort the child may be abandoned overseas.

11.5 Violence in Muslim madrassas (mosque schools)

There are around 700 *madrassas* attached to British mosques, providing children with after-school teaching on Islam. Some teach as many as 500 children, and about 100,000 children attend overall. In March 2006, Dr Gahaysuddin Siddiqui, leader of the Muslim Parliament of Great Britain, said: “The Muslim community is at present in a state of denial – denial of the fact that child abuse takes place in places of worship, including mosques, *madrassas* (mosque schools) and families.” He pointed out that child abuse exists everywhere, including faith institutions, and said that “Muslim societies are after all like any other human society. They will, unfortunately, have to face such horrific issues like many other faith communities in our society.”³²¹ Tales of children having their heads beaten against the wall for not working properly are commonplace, he said, and few imams recognise the need to be accountable.³²²

11.6 What needs to be done

Female genital mutilation

The law against FGM in this country seems to be as strong as it can be. The challenge now is to raise awareness of the law, and to discard this brutal tradition in the communities that practise it.

While the law directed at abolishing FGM is sufficient, it is as unacceptable to deport women to countries where they are likely to be castrated as it is to send someone to a country where they are likely to be tortured in some other way. In December 2006, the Law Lords ruled that FGM constitutes persecution under the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Baroness Hale of Richmond stressed:

“The world has woken up to the fact that women as a sex may be persecuted in ways which are different from the ways in which men are persecuted and that they may be persecuted because of the inferior status accorded to their gender in their home society. States parties to the Refugee Convention, at least if they are also parties to the International Covenant on Civil and Political Rights and to the Convention on the Elimination of All Forms of Discrimination against Women, are obliged to interpret and apply the Refugee Convention compatibly with the commitment to gender equality in those two instruments.”³²³

Recommendation

- We recommend that the Government disseminates more and improved information about the law and campaigns against FGM to the appropriate communities in the UK. We also recommend that the law be reformed to state that the threat of FGM constitutes fear of persecution under the Refugee Conventions.

“Tales of children having their heads beaten against the wall for not working properly are commonplace.”

“It is important that doctors consider the child’s social and cultural circumstances.”

Male circumcision

Circumcisions are undoubtedly safer if done by medically qualified professionals. The British Medical Association (BMA) has considered the issue. Its observations on how to assess the best interests of the child demonstrate the complexity of addressing what is, essentially, a cultural practice.

“In the past, circumcision of boys has been considered to be either medically or socially beneficial, or, at least, neutral. The general perception has been that no significant harm was caused to the child and, therefore, with appropriate consent it could be carried out. The medical benefits previously claimed, however, have not been convincingly proven, and it is now widely accepted, including by the BMA, that this surgical procedure has medical and psychological risks. It is essential that doctors perform male circumcision only where this is demonstrably in the best interests of the child. The responsibility to demonstrate that non-therapeutic circumcision is in a particular child’s best interests falls to his parents.

It is important that doctors consider the child’s social and cultural circumstances. Where a child is living in a culture in which circumcision is required for all males, the increased acceptance into a family or society that circumcision can confer is considered to be a strong social or cultural benefit. Exclusion may cause harm by, for example, complicating the individual’s search for identity and sense of belonging. Clearly, assessment of such intangible risks and benefits is complex. On a more practical level, some people also argue that it is necessary to consider the effects of a decision not to circumcise. If there is a risk that a child will be circumcised in unhygienic or otherwise unsafe conditions, doctors may consider it better that they carry out the procedure, or refer to another practitioner, rather than allow the child to be put at risk.”³²⁴

The BMA also recommends that doctors take into account the child’s wishes, but as this intervention is commonly conducted on babies, the child’s views are difficult to ascertain.

The BMAs sensible arguments about social identity and religious belief are not applicable to FGM because the suffering

and risk to girls is so very much greater. However, it should be recognised that the difference between the two interventions appears to be principally one of degree, rather than distinctive justifications. But, because the risks to health or sexual development are disputed and low, it is likely that many boys of sufficient understanding would voluntarily consent to this operation. Given the small but significant proportion of men who consider that their right to physical integrity has been violated, it would seem desirable to leave circumcision to an age when the subject can give informed consent.

Recommendation

- We recommend that the Government, in collaboration with medical practitioners and NGOs, encourage active debate within Islamic and Jewish communities as to the possibility of raising the age for male circumcision, so that the informed consent of the child can be sought.

Forced marriages

The Government recently backed a Private Members Bill, which introduced civil remedies in the form of injunctions and third party injunctions for those at risk of being forced into marriage. Whilst we agree with any new measures that can help to prohibit and reduce the number of forced marriages and the effect they have on young people, a criminal offence for forcing someone into marriage is needed to send a clear message that the practice is wrong and will not be tolerated.

Forced marriages of children constitute assault and sexual abuse. Although there are a number of crimes committed in the process of forcing a marriage,^J and the marriage itself is not valid in the absence of consent,³²⁵ the Government’s Forced Marriage Unit has consulted on whether forcing a marriage should in itself be made a specific offence and concluded that, for the moment, it should not.

The consultation laid out the pros and cons of law reform, which echoed the

^J For example, kidnapping, false imprisonment, assaults, harassment, child cruelty, sexual offences, failing to ensure attendance at school, blackmail, child abduction and trafficking.

debates on other culturally acceptable violations of children's rights. On the one hand, criminalising the practice may drive it underground, offend ethnic minorities and deter victims from seeking help, because doing so might get their parents into trouble or prevent reconciliation. On the other hand, a specific offence of arranging a forced marriage makes clear its illegality to those who are genuinely unaware that they are doing anything wrong. It might deter or even change the minds of those who are presently in favour, and would give young people and professionals a lever to argue parents out of it, or alternatively provide parents with a lever to resist pressure from their community.³²⁶ The Government's analysis of responses to its consultation noted that a small majority of respondents did not support the creation of a new offence: 37 per cent against, 34 per cent in favour. Those who responded against a new law included the police, the Crown Prosecution Service, and ethnic and religious groups. Those in favour of a new law were, tellingly, a majority of those who were categorised as having experience of forced marriage.³²⁷

The alliance of children's organisations is familiar with arguments about criminalising cultural practices, since this is what the smacking debate is largely about. The arguments against criminalising the practice seem weak. Why would making forced marriage a specific offence "drive it underground" if it is already a criminal act? The concerns of victims about getting parents into trouble or preventing reconciliation again makes little sense given that the Government has stressed that parents are already committing a number of offences. However, we recognise that the same assurances should be given over prosecution of these offences as are given over smacking: prosecutions should only occur when this is in the public interest. The crucial point is that if forced marriages are occurring because young people, parents or others are unaware that it is unlawful, then the law should be made clear.

Recommendations

- Forcing anyone into marriage should be made a criminal offence.
- Any practice that causes significant harm to children should be the subject of child protection enquiries, whether or not religion or faith is part of the context. The best interests of the child must always be the primary consideration, as well as ensuring the child's right to the protection of the law against interference or attacks.
- Any work must be done with the full involvement of communities to improve child safeguarding in faith communities.
- There needs to be improved training and awareness for social workers who are exposed to new groups entering the UK, and other key advocates in spotting signs related to this specific type of maltreatment and inter-cultural relations.
- There is a need for a multi-agency approach, which will effectively address the needs of children and young people to challenge both religious and faith leaders and their congregation's behaviour through a programme of education and community liaison work.
- New methods and ways of challenging religious and faith leaders need to be adopted to ensure that children are safeguarded and protected from potential harm.

CONCLUSION

This report contains more than 60 recommendations for changes to current laws and practice. Most of our proposals are directed at the Government, but some also have implications for local government or professional bodies.

All the recommendations can be accepted immediately, although not all will take effect at once. The introduction of systematic prevalence research based on interviews with children, for example, is a long-term and indirect measure. The effects of other proposals are unpredictable. For example, the results of “exit interviews” for all looked-after children’s placements may throw up some unexpected proposals. And other reforms are undeniably difficult for any government. For example, radically reducing the numbers of children in custody. But all the proposals have the same end: to prevent or reduce violence against children (and beyond that to reduce violence in society generally), and as such we believe they all demand priority attention.



APPENDIX 1

The recommendations of the UN study on violence against children as submitted by the then Secretary-General to the General Assembly

Recommendations

My recommendations consist of a set of overarching recommendations which apply to all efforts to prevent violence against children and to respond to it if it occurs, and specific recommendations which apply to the home and family, schools and other educational settings, institutions for care or detention in the workplace and the community.

They are addressed primarily to States and refer to their legislative, administrative, judicial, policy-making, service-delivery and institutional functions. Some recommendations are directed at other sectors of society that are also of critical importance. These include professional bodies, trade unions, research institutions, employers, and non-governmental and community-based organizations. They are also directed at parents and children.

A. Overarching recommendations

1. Strengthen national and local commitment and action

I recommend that all States develop a multi-faceted and systematic framework to respond to violence against children, which is integrated into national planning processes. A national strategy, policy or plan of action on violence against children with realistic and time-bound targets, coordinated by an agency with the capacity to involve multiple sectors in a broad-based implementation strategy, should be formulated. National laws, policies, plans and programmes should fully comply with international human rights and current scientific knowledge. The implementation of the national strategy, policy or plan should be systematically evaluated according to established targets and timetables, and provided with adequate human and financial resources to support its implementation.

2. Prohibit all violence against children

I urge States to ensure that no person below 18 years of age is subjected to the death penalty or a sentence of life imprisonment without possibility of release. I recommend that States take all necessary measures to immediately suspend the execution of all death penalties imposed on persons for crimes committed before reaching the age of 18 and take the appropriate legal measures to convert them into penalties that are in conformity with international human rights standards. The death penalty, as a sentence imposed on persons for crimes committed before reaching the age of 18, should be abolished as a matter of highest priority.

I urge States to prohibit all forms of violence against children, in all settings, including all corporal punishment, harmful traditional practices, such as early and forced marriages, female genital mutilation and so-called honour crimes, sexual violence and torture and other cruel, inhuman or degrading treatment or punishment, as required by international treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. I draw attention to general comment No 8 (2006) of the Committee on the Rights of the Child on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (articles 19, 28, para 2, and 37, *inter alia*) – CRC/C/GC/8.

3. Prioritize prevention

I recommend that States prioritize preventing violence against children by addressing its underlying causes. Just as resources devoted to intervening after violence has occurred are essential, States should allocate adequate resources to address risk factors and prevent violence before it occurs. Policies and programmes should address immediate risk factors, such as a lack of parent-child attachment, family breakdown, abuse of alcohol or drugs, and access to guns and other weapons. In line with the Millennium

Development Goals, attention should be focused on economic and social policies that address poverty, gender and other forms of inequality, income gaps, unemployment, urban overcrowding, and other factors which undermine society.

4. Promote non-violent values and awareness-raising

I recommend that States and civil society should strive to transform attitudes that condone or normalize violence against children, including stereotypical gender roles and discrimination, acceptance of corporal punishment, and harmful traditional practices. States should ensure that children's rights are disseminated and understood, including by children. Public information campaigns should be used to sensitize the public about the harmful effects that violence has on children. States should encourage the media to promote non-violent values and implement guidelines to ensure full respect for the rights of the child in all media coverage.

5. Enhance the capacity of all who work with and for children

I recommend that the capacity of all those who work with and for children to contribute to eliminate all violence against them must be developed. Initial and in-service training which imparts knowledge and respect for children's rights should be provided. States should invest in systematic education and training programmes both for professionals and non-professionals who work with or for children and families to prevent, detect and respond to violence against children. Codes of conduct and clear standards of practice, incorporating the prohibition and rejection of all forms of violence, should be formulated and implemented.

6. Provide recovery and social re-integration services

I recommend that States should provide accessible, child-sensitive and universal health and social services, including pre-hospital and emergency care, legal assistance to children and, where appropriate, to their families, when violence is detected or disclosed. Health, criminal justice and social service systems should be designed to meet the special needs of children.

7. Ensure participation of children

I recommend that States actively engage with children and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the Convention on the Rights of the Child. Children's organizations and child-led initiatives to address violence, guided by the best interests of the child, should be supported and encouraged.

8. Create accessible and child-friendly reporting systems and services

I recommend that States should establish safe, well-publicized, confidential and accessible mechanisms for children, their representatives and others to report violence against children. All children, including those in care and justice institutions, should be aware of the existence of mechanisms of complaint. Mechanisms – such as telephone helplines, through which children can report abuse, speak to a trained counsellor in confidence and ask for support and advice – should be established, and the creation of other ways of reporting violence through new technologies should be considered.

9. Ensure accountability and end impunity

I recommend that States should build community confidence in the justice system by, *inter alia*, bringing all perpetrators of violence against children to justice and ensure that they are held accountable through appropriate criminal, civil, administrative and professional proceedings and sanctions. Persons convicted of violent offences and sexual abuse of children should be prevented from working with children.

10. Address the gender dimension of violence against children

I recommend that States should ensure that anti-violence policies and programmes are designed and implemented from a gender perspective, taking into account the different risks facing girls and boys in respect of violence; States should promote and protect the human rights of women and girls and address all forms of gender discrimination as part of a comprehensive violence-prevention strategy.

11. Develop and implement systematic national data collection and research

I recommend that States improve data collection and information systems in order to identify vulnerable subgroups, inform policy and programming at all levels, and track progress towards the goal of preventing violence against children. States should use national indicators based on internationally agreed standards, and ensure that data are compiled, analysed and disseminated to monitor progress over time. Where not currently in place, birth, death and marriage data registries with full national coverage should be created and maintained. States should also create and maintain data on children without parental care and on children in the criminal justice system. Data should be disaggregated by sex, age, urban/rural, household and family characteristics, education and ethnicity. States should also develop a national research agenda on violence against children across settings where violence occurs, including through interview studies with children and parents, with particular attention to vulnerable groups of girls and boys.

12. Strengthen international commitment

I recommend that all States should ratify and implement the Convention on the Rights of the Child and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. All reservations that are incompatible with the object and purpose of the Convention and the Optional Protocols should be withdrawn in accordance with the Vienna Declaration and Plan of Action of the World Conference on Human Rights of 1993. States should ratify all relevant international and regional human rights instruments that provide protection for children, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the Rome Statute of the International Criminal Court; the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol; ILO

Conventions No 138 on the Minimum Age for Admission to Employment and No 182 on the Worst Forms of Child Labour; and the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. States should implement all their international legal obligations and strengthen their cooperation with the treaty bodies.

I recommend that States act in conformity with their commitments on the prevention of violence made at the special session of the General Assembly on children and in the context of the World Health Organization (WHO) Health Assembly resolution³²⁸ on implementing the recommendations of the World Report on Violence and Health, and other regional public health resolutions that reinforce this resolution.

B. Setting-specific recommendations

1. In the home and family

Bearing in mind that the family has the primary responsibility for the upbringing and development of the child and that the State should support parents and caregivers, to care for children, I recommend that States:

- a) Develop or enhance programmes to support parents and other carers in their childrearing role. Investments in health care, education and social welfare services should include quality early childhood development programmes, home visitation, pre- and post-natal services and income-generation programmes for disadvantaged groups;
- b) Develop targeted programmes for families facing especially difficult circumstances. These may include families headed by women or children, those belonging to minorities or other groups facing discrimination, and families caring for children with disabilities;
- c) Develop gender-sensitive parent education programmes focusing on non-violent forms of discipline. Such programmes should promote healthy

parent-child relationships and orient parents towards constructive and positive forms of discipline and child development approaches, taking into account children's evolving capacities and the importance of respecting their views.

2. In schools and other educational settings

Bearing in mind that all children must be able to learn free from violence, that schools should be safe and child friendly and curricula should be rights-based, and also that schools provide an environment in which attitudes that condone violence can be changed and non-violent values and behaviour learned, I recommend that States:

- a) Encourage schools to adopt and implement codes of conduct applicable to all staff and students who confront all forms of violence, taking into account gender-based stereotypes and behaviour and other forms of discrimination;
- b) Ensure that school principals and teachers use non-violent teaching and learning strategies and adopt classroom management and disciplinary measures, which are not based on fear, threats, humiliation or physical force;
- c) Prevent and reduce violence in schools through specific programmes, which address the whole school environment, including through encouraging the building of skills, such as non-violent approaches to conflict resolution, implementing anti-bullying policies and promoting respect for all members of the school community;
- d) Ensure that curricula, teaching processes and other practices are in full conformity with the provisions and principles of the Convention on the Rights of the Child, free from references actively or passively promoting violence and discrimination in any of its manifestations.

3. In care and justice systems

Bearing in mind that States are responsible for ensuring the safety of children in residential care and juvenile justice detention facilities, I recommend that States:

- a) Prioritize reducing rates of institutionalization of children by supporting family preservation and community-based alternatives, ensuring

that institutionalized care is used only as a last resort. Family-based care options should be favoured in all cases and should be the only option for infants and very young children. States should ensure that, wherever possible, children in residential care may be re-integrated with their family under appropriate conditions. Acknowledging the special vulnerability of indigenous children and children belonging to minorities, States should ensure that these children and their families are provided with culturally based support and care services and that social workers have adequate training to work effectively with them;

- b) Reduce the numbers of children entering justice systems by decriminalizing "status offences" (offences that are only a crime when committed by children – for example, truancy, running away from home, or being "beyond parental control"), survival behaviours (such as begging, selling sex, scavenging, loitering or vagrancy), and victimization by trafficking or criminal exploitation. States should also establish comprehensive, child-centred, restorative juvenile justice systems that reflect international standards.³²⁹ Detention should be reserved for child offenders who are assessed as posing a real danger to others, and significant resources should be invested in alternative arrangements, as well as community-based rehabilitation and reintegration programmes;
- c) Regularly reassess placements by reviewing the reasons for a child's placement in care or detention facilities, with a view to transferring the child to family or community-based care;
- d) Establish effective and independent complaints, investigation and enforcement mechanisms to deal with cases of violence in care and justice systems;
- e) Ensure that children in institutions are aware of their rights and can access the mechanisms in place to protect those rights;
- f) Ensure effective monitoring and regular access to care and justice institutions by independent bodies empowered to conduct unannounced

visits, conduct interviews with children and staff in private, and investigate allegations of violence;

- g) Ratify the Optional Protocol to the Convention against Torture, which provides for a system of independent preventive visits to places of detention.

4. In the workplace

Bearing in mind that under-age children should not be in the workplace, and the importance of protecting all children in the workplace from all forms of violence, as provided by ILO Conventions Nos 138 and 182, the Convention on the Rights of the Child and other international instruments, I recommend that States:

- a) Implement domestic labour laws, mainstream the elimination of child labour into national development policies and give priority to eliminating the “worst forms” of child labour, which are inherently violent. Particular attention should be paid to economic exploitation of children in the informal sector – for example, agriculture, fishing and domestic service – where the phenomenon is more prevalent. In addition, States should ensure that child workers participate in discussions about the solutions to this problem;
- b) Where children are working legally (ie, in conformity with international conventions), create and implement regulatory regimes and inspection processes that explicitly include violence prevention programmes, reporting systems and complaints procedures;
- c) Where children are working illegally, ensure the availability of recovery and integration programmes that focus on assisting under-age children and those in “worst forms” of labour to leave work, receive education and training, and improve their life chances without further victimization;
- d) Enlist the support of the private sector, trade unions and civil society to form partnerships that stimulate corporate social responsibility measures, and encourage the private sector, trade unions and civil society to adopt ethical guidelines in support of prevention programming in the workplace.

5. In the community

Bearing in mind that measures to prevent and respond to violence against children in communities should address social and economic risk factors and the physical environment of the community, I recommend that States:

- a) Implement prevention strategies to reduce immediate risk factors in the community. Risk factors will differ from place to place, but generally include easy access to alcohol and drugs, possession and carrying of guns and other weapons, and the use of children in illegal activities;
- b) Reduce social and economic inequalities. Governments should analyse the impact of public policies on the vulnerability of communities and their children to violence, and commit substantial investment to the implementation of social, housing, employment and quality education policies and programmes. Priority should be given to approaches that focus on poverty and improving linkages, participation and social networks within and between different community groups, thereby fulfilling economic, social and cultural rights;
- c) Design and implement child-rights training within police forces that includes information on appropriate ways to deal with all children, particularly those from marginalized groups and those subject to discrimination; educate police about the stages of child development, the process of identity development, the dynamics and nature of violence against children, the difference between regular peer groups and gangs, and the appropriate management of children who are under the influence of alcohol or drugs;
- d) Provide early access to integrated services, including coordinated referral and follow-up services for victims and perpetrators; improve pre-hospital care and emergency medical services for victims, along with physical and psychological support services; provide programmes to rehabilitate perpetrators, while bearing in mind that they should be held fully accountable;

- e) Promote and support local government and civil society initiatives to prevent violence against children, particularly by providing safe recreational and other opportunities for boys and girls, taking into account particularly vulnerable children;
- f) Encourage and assist local and municipal governments to reduce risk factors in the physical environment. Well-lit and safe public places available for children, including safe routes for children and adolescents to travel through their communities, should be included in urban planning;
- g) Develop an appropriate legal framework that is consistent with relevant international instruments and standards, and fully implement domestic laws against trafficking in persons; strengthen efforts to protect all children from trafficking and sexual exploitation, including through bilateral, subregional, regional and international cooperation, and in this respect harmonize legal definitions, procedures and cooperation at all levels. Strategies should range from primary prevention (ie, changing the conditions that make children vulnerable to trafficking) to law enforcement targeting traffickers, and should ensure that victims of trafficking and all forms of related exploitation are not criminalized;
- h) Enhance the prosecution of offences relating to the sale of children, child prostitution and child pornography through the review of domestic laws in order to abolish the requirement of “double criminality”.^K States parties to the Optional Protocol on the sale of children, child prostitution and child pornography should consider amending their legislation using the Optional Protocol as a legal basis for extradition in respect of offences addressed in the Optional Protocol;
- i) Ensure that trafficked children are provided with protection, access to health care, adequate assistance and social re-integration services when they are involved in criminal investigations and the justice process.

^K An offence should be a crime in both the country in which it took place as well as in the country in which the crime is prosecuted.

In this context, I draw the attention of States to the United Nations Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime;³³⁰

- j) Strengthen efforts to combat the use of information technologies, including the internet, mobile phones and electronic games, in the sexual exploitation of children and other forms of violence. Support measures to educate and advise children and their carers about the dangers involved in this context. Criminalize and appropriately penalize those who make, distribute, possess or use child pornography;
- k) Encourage the information and communication industry to devise and implement global standards for child protection, undertake research on protective hardware and software solutions, and fund worldwide education campaigns on the safe use of the new technologies.

C. Implementation and follow-up

“We need your support to stop violence against children, not just in our region, but all over the world. There is a Chinese saying, ‘Gu Cheung Lan Ming’, which means ‘no sound can be made if only one hand claps’. We – children – are one hand. Adults are the other hand. The community is one hand. The Government is one hand. We strongly believe that a community with peace, love and unity can be built if we work together for the future!” (Young people, East Asia and the Pacific)³³¹

The primary responsibility for implementing the recommendations rests with the State. However, the participation of other actors at the national, regional and international level is critical to assist the State to carry out its task. These include United Nations entities, civil society organisations, including national human rights institutions, professional bodies, such as doctors’ and nurses’ associations, community associations, educators, parents and children.

1. National and regional level

Implementation at the national level should be promoted without delay. The

integration in national planning processes of measures to prevent and respond to violence against children should take place by 2007 and should include the appointment of a focal point, preferably at ministerial level. Prohibiting violence against children by law and initiating a process to develop reliable national data-collection systems should be achieved by 2009. States parties to the Convention and its Optional Protocols should provide information on implementation of these recommendations in their reports to the Committee on the Rights of the Child. A progress report on the implementation of the recommendations should be submitted to the General Assembly at its 65th session.

International organizations should encourage and support governments in the implementation of these recommendations. I recommend that international financial institutions review their policies and activities to take account of the impact they may have on children. United Nations country teams should include measures to address violence against children within poverty reduction strategies, coordinated country assessments and development assistance frameworks.

Governments should consider establishing an ombudsperson or commissioner for children's rights in accordance with the principles relating to the status of national human rights institutions (The Paris Principles).³³² Working closely with other agencies dealing with public health and child protection issues, this institution should have a clear mandate to monitor children's rights at national, regional and local levels. Where appropriate, they should have the competence to receive and investigate complaints of violations of children's rights from the public, including children.

In the light of the contribution of regional organizations in the development of the study, regional entities should be involved in the implementation of, and follow-up to its recommendations. The further development of regional mechanisms should be encouraged as an important part of the overall framework for follow-up. I also encourage regional human rights protection systems to monitor the implementation.

2. International level

In view of the importance of multi-sectoral coordination in addressing violence against children, I recommend that the General Assembly request the Secretary-General to appoint a special representative on violence against children, to act as a high-profile global advocate to promote prevention and elimination of all violence against children, to encourage international and regional cooperation and ensure follow-up to the present recommendations.

The special representative should disseminate and promote the recommendations of the study in different international, regional and national forums. He or she should periodically report to the Human Rights Council and the General Assembly, and should coordinate the preparation of a report on implementation of the recommendations, to be presented to the General Assembly at its 65th session.

The special representative will work closely with, but not duplicate the work of the Committee on the Rights of the Child, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially women and children. He or she should collaborate with regional human rights protection systems and all other regional and national follow-up initiatives.

The special representative should have an initial mandate of four years. Building on the successful inter-agency collaboration that marked the study, he or she should be supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR), The United Nations Children's Fund (UNICEF) and WHO. A United Nations inter-agency group on violence against children, with representation from NGOs and children, should support follow-up.

APPENDIX 2

The NSPCC's project to promote the participation of children and young people in the UN violence study.

The Children's Rights Alliance for England and the National Society for the Prevention of Cruelty to Children worked together to support children and young people's participation in the UN Secretary-General's study on violence against children. In particular, the NSPCC Children and Young People's Participation Officer worked in a facilitative role to support the participation and involvement of children and young people across England on a variety of levels. A core group of children from across England were actively involved in the following:

- Participation in the NGO Advisory Panel to the independent expert to the study
- Participation in the working group on child participation – for the European and Central Asian Regional Consultation to the UN study
- Participation in the European and Central Asian Regional Consultation
- National activities.

National activities included the following:

Workshops, discussions and attendance at events

The Participation Officer organised events for a diverse range of children and young people to come together and express their views on violence. A range of "fun" and interactive techniques were used to encourage children and young people to participate in discussions and express their views on serious issues, which some found difficult to address. A young volunteer devised a drama- and arts-based workshop to engage other children and young people. The workshop outline provided a framework for discussion and was adapted according to the specific needs of the groups.

The workshops were facilitated both by children and adults. In addition, staff and young people working on the violence

study attended events, which had been organised for children and young people by other organisations. More than 175 children and young people aged 10–17 contributed in this way.

The workshops/discussions were held with children and young people through the following organisations:

- The British Youth Council
- The Festival of Youth New Forest District Council
- The Brownies
- Teenage girls at HM Eastwood Park Prison
- Members of Youth Parliament at the UK Youth Parliament
- Ethnic minority students involved in the Windsor Fellowship Programme
- African and Caribbean boys excluded from school
- The From Boyhood to Manhood Foundation
- The Rotherham Women's Refuge
- Members of NSPCC Young People's Advisory Groups – Hastings, Tower Hamlets and Southampton
- The Children's Rights Alliance for England and NSPCC.

Questionnaire

The questionnaire was devised by the core group of children and young people during a one-day meeting in October 2004. The questionnaire was distributed to children and young people via members of the core group, the internet and in schools. One hundred and fifty-four responses were received from 88 girls and 68 boys. The average age of respondents was 11.74 years, nine of whom stated that they had a disability.

Video interviews

Young people conducted interviews with each other about their respective views on violence at the UK Youth Parliament Annual Sitting, the Windsor Fellowship and at events organised by the Children's

Rights Alliance for England and the NSPCC. Some questions were taken from the questionnaire and some were spontaneous questions that the young people wanted to ask.

Online poll

There4me (www.there4me.com) is an NSPCC internet-based service offering confidential advice, guidance and counselling to 12–16-year-olds, which aims to help young people find their own solutions to problems. The website was used to seek children's views on violence during July 2005.

Testimonies

Children in the core group decided that one way to gather the views and experiences of other children and young people was through writing. Children were provided with a template – the core group wrote instructions explaining why they wanted to gather the views of other children and young people, and what they wanted the children to do. Children in a variety of settings, including home, schools, prison and women's refuges, wrote over 50 items expressing their views, experiences and thoughts about violence. Additionally, some children chose to submit existing pieces of work. Extracts from these accounts of creative expression have been included in the body of this report.

Other sources

The voices of children and young people in contact with the NSPCC have also been included, owing to their relevance; some of the participants disclosed having had personal experience of violence. Some participants based their contributions on violence they had experienced or witnessed in the past. Others based their contributions on the experiences of other children and young people.

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- 27 See 22. The term ‘homicide’ covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences, which have never been defined by statute, although they have been modified by statute. Manslaughter is the unlawful killing of another without any malice either expressed or implied. A particular category is ‘Section 2’ manslaughter which refers to the provisions of section 2 of the Homicide Act 1957, which allowed for the defence of diminished responsibility. The Infanticide Act of 1922 (amended 1938) created the offence of infanticide in the case of a woman who caused the death of a child under 12 months while ‘the balance of her mind was disturbed by reason of her not having fully recovered from the effects of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child’. Home Office (2005). *Crime in England and Wales 2003/2004: Supplementary Volume 1: Homicide and Gun Crime*, p.1. London: Home Office.
- 28 See 22. The reference to ‘killed at the hands of their parent’ is based on Home Office statistics on the number of homicides of children aged under 16 recorded by the police in England and Wales. The term ‘homicide’ covers the offences of murder, manslaughter and infanticide. Murder and manslaughter are common law offences, which have never been defined by statute, although they have been modified by statute. Manslaughter is the unlawful killing of another without any malice either expressed or implied. A particular category is ‘Section 2’ manslaughter which refers to the provisions of section 2 of the Homicide Act 1957, which allowed for the defence of diminished responsibility. The Infanticide Act of 1922 (amended 1938) created the offence of infanticide in the case of a woman who caused the death of a child under 12 months while ‘the balance of her mind was disturbed by reason of her not having fully recovered from the effects of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child’. Home Office (2005). *Crime in England and Wales 2003/2004: Supplementary Volume 1: Homicide and Gun Crime*, p.1. London: Home Office.
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“YOU FEEL LIKE YOU’RE NOTHING”

About CRAE and the NSPCC

The Children's Rights Alliance for England (CRAE) is a coalition of more than 380 voluntary and statutory organisations committed to the full implementation of the Convention on the Rights of the Child. CRAE is one of the biggest children's rights coalitions in the world.

The NSPCC (National Society for the Prevention of Cruelty to Children) is the UK's leading charity specialising in child protection and the prevention of cruelty to children. In 1999 the NSPCC launched the FULL STOP Campaign, which aims to end cruelty to children.

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