

**LAW LIBRARY OF CONGRESS**  
**UNITED KINGDOM: ENGLAND AND WALES**  
**CHILDREN'S RIGHTS**

*Executive Summary*

*This report provides a basic overview of the laws regarding children's rights in a number of fields. England and Wales has a large number of laws protecting children and guaranteeing them basic rights – both for areas in which there is now an 'entitlement' such as education, as well as in areas in which they need rights to ensure protection, such as in the criminal justice system. Given the large number and complexity of these laws this report provides a broad overview of legislation and common law as it applies to children's rights in England and Wales.*

**I. Introduction**

Within the United Kingdom of Great Britain and Northern Ireland, England and Wales is the component nation in which largely English law prevails. This report does not address children's rights in Scotland or Northern Ireland, although a number of the provisions discussed in the paper may also apply to them. The common law in England and Wales provides that the responsibility for the care and protection of children is with their parents "as guardians by the law of nature, and on the Crown as *parens patriae*,"<sup>1</sup> with the powers of a child's parents somewhat limited in certain areas by law. There are a number of substantive pieces of legislation affecting children and their rights in a number of different areas. The most substantive piece affecting children and their basic rights to a secure and safe environment is the Children Act 1989. This Act introduces the term 'parental responsibility' rather than the common law concept of custody. Parental responsibility is defined as "all the rights, duties, powers, responsibilities and authority which by law a parent has in relation to the child and his property."<sup>2</sup>

The age of majority for children in England and Wales varies; there are many age related rules that distinguish between children of different ages for different purposes. The age of majority typically ranges from between sixteen years of age (in which school no longer becomes mandatory) to eighteen years of age (for voting rights and the consumption of alcohol).

Children's rights are provided by a large number of laws – some that specifically were enacted to protect children, and others that contain just a few sections that pertain to children but provide them with essential rights. There are numerous pieces of legislation that provide children with rights in the areas of education, medicine, employment and the justice system. Given the volume and complexity of these laws, this report provides a necessarily broad overview of the substantive pieces of legislation as they affect children's rights in these areas.

---

<sup>1</sup> PRINCIPLES OF MEDICAL LAW (Andrew Grubb and Judith Laing, eds., 2<sup>nd</sup> ed. 2004) ¶ 4.39. "The Crown as *parens patriae* is empowered and obliged 'to protect the person and property of ... those unable to look after themselves, including infants.' The Sovereign, as *parens patriae*, has a duty to protect those of his subjects who are unable to protect themselves, particularly children ... the powers of the Crown as *parens patriae* are exercised by the [courts]." ¶ 4.42.

<sup>2</sup> Children Act 1989 c. 41, § 3(1).

## II. Implementation of International Rights of the Child

The United Kingdom is party to numerous treaties regarding the rights of children, notably the

- United Nations Convention on the Rights of the Child, ratified 12/16/1991;<sup>3</sup>
  - Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, signed 9/7/2000;<sup>4</sup>
  - Optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified 6/24/2003;<sup>5</sup>
- United Nations Declaration of the Rights of the Child, ratified 1/15/1992;<sup>6</sup>
- European Convention on the Adoption of Children, ratified 12/21/1967, entered into force 4/26/1968;<sup>7</sup>
- European Convention on the Legal Status of Children born out of Wedlock, ratified 2/24/1981, entered into force 5/25/1981;<sup>8</sup>
- Convention Against Discrimination in Education, accepted by the UK 3/14/1962;<sup>9</sup>
- Convention for the Protection of Human Rights and Fundamental Freedoms, acceded to 2/24/1967;<sup>10</sup>

---

<sup>3</sup> The Convention on the Rights of the Child, with a Preamble and fifty-four articles, was adopted by the U.N. General Assembly on November 20, 1989, and entered into force on September 2, 1990. G.A. Res. 44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989); 28 I.L.M. 1448 (1989). For an online text, see the OHCHR Web site, <http://www.ohchr.org/english/law/crc.htm> (last visited July 23, 2007); it includes the 1995 amendment to article 43, paragraph 2 (G.A. Res. 50/155 (Dec. 21, 1995)), which entered into force on November 18, 2002. For the status of signatures, ratifications, and accessions, see the OHCHR Web site, <http://www.ohchr.org/english/countries/ratification/11.htm> (last visited July 27, 2007).

<sup>4</sup> The Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography comprises a preamble and seventeen articles. G.A. Res. A/RES/54/263 of 25 May 2000. It entered into force on January 18, 2002. For an online text, see the UNHCHR Web site, <http://www.unhchr.ch/html/menu2/dopchild.htm> (last visited July 23, 2007). For the status of ratifications and reservations to the STP, see the OHCHR Web site, [http://www.ohchr.org/english/countries/ratification/11\\_c.htm](http://www.ohchr.org/english/countries/ratification/11_c.htm) (last updated July 13, 2007) (last visited July 24, 2007).

<sup>5</sup> The Child Soldiers Protocol, comprising a Preamble and thirteen articles, entered into force on February 12, 2002. G.A. Res. A/RES/54/263 of 25 May 2000. For an online text, see the UNHCHR Web site, <http://www.unhchr.ch/html/menu2/6/protocolchild.htm> (last visited July 23, 2007). For the status of ratifications and reservations to the Child Soldiers Protocol, see the OHCHR Web site, [http://www.ohchr.org/english/countries/ratification/11\\_b.htm](http://www.ohchr.org/english/countries/ratification/11_b.htm) (updated as of July 13, 2007) (last visited July 23, 2007).

<sup>6</sup> The U.N. Declaration of the Rights of the Child comprises a Preamble and ten principles. G.A. Res. 1386 (XIV), 14 U.N. GAOR Supp. (No. 16) at 19, U.N. Doc. A/4354. For an online text of the Declaration, see the Office of the U.N. High Commissioner for Human Rights (UNHCHR) Web site, <http://www.unhchr.ch/html/menu3/b/25.htm> (last visited July 20, 2007) (unofficial source). A list of the Status of Ratification of the Principal International Human Rights Treaties is available on the same Web site, at <http://www.unhchr.ch/pdf/report.pdf> (as of June 9, 2004) (last visited July 20, 2007).

<sup>7</sup> The European Convention on the Adoption of Children was opened for signature on April 24, 1967, and entered into force on April 26, 1968. C.E.T.S. No. 058. It comprises a Preamble and 28 articles. For an online text, see the COE Web site, <http://conventions.coe.int/Treaty/en/Treaties/Html/058.htm> (last visited July 27, 2007). Links to a chart of signatures and ratifications and other information are available via the same Web site, at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=058&CL=ENG> (last visited July 27, 2007).

<sup>8</sup> European Convention on the Legal Status of Children born out of Wedlock, opened for signature 10/15/1975, entry into force 8/11/1978, C.E.T.S. No. 85.

<sup>9</sup> Convention against Discrimination in Education, opened for signature 12/14/1960, entry into force 5/22/1962, 429 U.N.T.S. 93.

- Hague Convention on the Civil Aspects of International Child Abduction, ratified 10/20/1986;<sup>11</sup>
- Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children, signed 1/4/2003;<sup>12</sup>
- Hague Convention on the Protection of Children in Intercountry Adoption, ratified 2/27/2003;<sup>13</sup>
- European Convention on the Adoption of Children, ratified 12/21/1967;<sup>14</sup>
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, acceded to 7/9/1970;<sup>15</sup>
- International Covenant on Civil and Political Rights, ratified 5/20/1976;<sup>16</sup>
- Convention on the Elimination of All Forms of Discrimination Against Women, ratified 4/8/1976;<sup>17</sup>

---

<sup>10</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms, C.E.T.S. No. 005, with a Preamble and fifty-nine articles, was adopted on November 4, 1950, and entered into force on September 3, 1953. There have been eleven Protocols to the Convention, but as from November 1, 1998, Protocol 9 was repealed and Protocol 10 lost its purpose. For an online text as amended by Protocol 11 (E.T.S. No. 155, in force November 1, 1998), see the Council of Europe Web site, <http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm> (last visited July 26, 2007). Other documents, such as the status of ratifications and an explanatory report, are also available through links provided on the same Web site, <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=005&CL=ENG> (last visited July 26, 2007).

<sup>11</sup> The Hague Convention on the Civil Aspects of International Child Abduction, Hague No. 28, was adopted by the Hague Conference on Private International Law on October 25, 1980, and entered into force on December 1, 1983. T.I.A.S. No. 11,670, 1343 U.N.T.S. 89; 19 I.L.M. 1501 (1980).

<sup>12</sup> The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children was adopted on October 19, 1996, and entered into force January 1, 2002. 35 I.L.M. 1391, 1396 (1996). It comprises a brief Preamble and 63 articles. For an online text, see the Hague Conference on Private International Law (HCCH) Web site, [http://hcch.e-vision.nl/index\\_en.php?act=conventions.text&cid=70](http://hcch.e-vision.nl/index_en.php?act=conventions.text&cid=70) (last visited July 27, 2007).

<sup>13</sup> The Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption, comprising a Preamble and forty-eight articles, was concluded on May 29, 1993, and entered into force on May 1, 1995. 32 I.L.M. 1134 (1993). For an online text, see the HCCH Web site, [http://www.hcch.net/index\\_en.php?act=conventions.text&cid=69](http://www.hcch.net/index_en.php?act=conventions.text&cid=69) (last visited July 27, 2007).

<sup>14</sup> The European Convention on the Adoption of Children was opened for signature on April 24, 1967, and entered into force on April 26, 1968. C.E.T.S. No. 058. It comprises a Preamble and 28 articles. For an online text, see the COE Web site, <http://conventions.coe.int/Treaty/en/Treaties/Html/058.htm> (last visited July 27, 2007). Links to a chart of signatures and ratifications and other information are available via the same Web site, at <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=058&CL=ENG> (last visited July 27, 2007).

<sup>15</sup> Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, opened for signature 12/10/1962, entered into force 12/9/1964, 521 U.N.T.S. 231.

<sup>16</sup> The International Covenant on Civil and Political Rights, with a Preamble and 53 articles, was adopted by the U.N. General Assembly on December 16, 1966, and entered into force on March 23, 1976. G.A. Res. 2200A (XXI), 21 U.N. GAOR, 21st Sess. Supp. (No. 16) at 52, U.N. Doc. A/6316 (Dec. 16, 1966), 999 U.N.T.S. 171. For an online text, see the OHCHR Web site, <http://www.ohchr.org/english/law/ccpr.htm> (last visited July 26, 2007).

<sup>17</sup> Convention on the Elimination of All Forms of Discrimination Against Women comprising a Preamble and 30 articles, adopted by the U.N. General Assembly on December 18, 1979, and entered into force on September 3, 1981. G.A. Res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46.

- The European Convention on the Recognition and Enforcement of Decisions Concerning the Custody of Children, ratified 4/21/1986;<sup>18</sup>
- Minimum Age Convention, ratified 7/6/2000;<sup>19</sup>
- Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, ratified 3/22/2000;<sup>20</sup>
- Universal Declaration of Human Rights;<sup>21</sup> and the
- International Covenant on Economic, Social and Cultural Rights, ratified 5/20/1976.<sup>22</sup>

### III. Child Health and Social Welfare

#### General Access to Healthcare

The United Kingdom does not have a written constitution that provides any guarantees regarding access to healthcare. It does, however, have a comprehensive national health service founded on the principle of providing treatment according to clinical need rather than the ability to pay. The Secretary of State has a number of statutory responsibilities under the National Health Service Act 1977 to ensure that, where possible, a free and comprehensive health service is provided in England and Wales to improve both the physical and mental health of the people of the country and to prevent, diagnose and treat illnesses.<sup>23</sup>

The government has recently introduced a National Service Framework, which provides that healthcare services for children should be designed and delivered around the particular needs of

---

<sup>18</sup> The European Convention on the Recognition and Enforcement of Decisions Concerning the Custody of Children, comprising a Preamble and 30 articles, was concluded in Luxembourg on May 20, 1980. E.T.S. No. 105. For an online text, *see* the Council of Europe Web site, <http://conventions.coe.int/Treaty/EN/Treaties/Html/105.htm> (last visited July 30, 2007). The UK included a reservation that is contained in the instrument of ratification, deposited on 21 April 1986 that “in accordance with the provisions of paragraph 1 of Article 17 of the Convention, the United Kingdom reserves the right to refuse recognition and enforcement of decisions relating to custody, in cases covered by Articles 8 and 9 or either of these Articles, on any of the grounds mentioned in Article 10.”

<sup>19</sup> The Minimum Age Convention, comprising a Preamble and 18 articles, was adopted by the 58th Session of the General Conference of the International Labour Organisation on June 26, 1973, and entered into force on June 19, 1976; I.L.O. No. 138. For an online text, *see* the Office of the U.N. High Commissioner of Human Rights (OHCHR) Web site, <http://www.ohchr.org/english/law/ageconvention.htm> (last visited July 25, 2007) (unofficial source).

<sup>20</sup> Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, entry into force 11/19/2000, I.L.O. No. 182.

<sup>21</sup> The Universal Declaration of Human Rights, with a Preamble and 30 articles, was adopted by the U.N. General Assembly on December 10, 1948. G.A. Res. 217 A (III), U.N. Doc. A/810 at 71 (Dec. 10, 1948). For an online text, *see* the United Nations Web site, <http://www.un.org/Overview/rights.html> (unofficial source) (last visited July 24, 2007).

<sup>22</sup> The International Covenant on Economic, Social and Cultural Rights, with a Preamble and 31 articles, was adopted by the U.N. General Assembly on December 16, 1996, and entered into force on January 3, 1976. G.A. Res. 2200A (XXI), 21 U.N.GAOR, 21<sup>st</sup> Sess., Supp. (No. 16) at 49, U.N. Doc. A/6316 (Dec. 16, 1966), 993 U.N.T.S. 3. For an online text, *see* the OHCHR Web site, <http://www.ohchr.org/english/law/cescr.htm> (last visited July 23, 2007).

<sup>23</sup> National Health Service Act 1977, c. 49, §§ 1 and 3.

children.<sup>24</sup> The framework intends “to lead to a cultural shift, resulting in services being designed and delivered around the needs of children and families.”<sup>25</sup>

### Prenatal and Postnatal Care

Healthcare facilities are free and available for British children and infants, and the rate of infant mortality is relatively low, with 3,368 infant deaths (under one year of age) registered in England and Wales in 2006, at a rate of five per 1,000 live births.<sup>26</sup> The new National Service Framework regarding pre- and postnatal care of infants that has been welcomed by the Royal College of Obstetricians and Gynaecologists. The policy aims to provide mothers with a choice of either a midwife or a doctor for prenatal care; a choice of place of birth between a home birth, midwife centre birth, or a hospital birth with a doctor or a midwife. These services are provided at no additional charge through the National Health Service.

### Healthcare: Children and Consent

Under the Children Act 1989, the term parental responsibility is defined to include the parents' right to consent to medical treatment.<sup>27</sup> An individual that does not have parental responsibility for the child, but has them in his or her care, for example a doctor or a teacher, “may do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare ... though it will presumably only be reasonable to act without first obtaining the consent of the child's parents ... in an emergency or if the treatment is trivial.”<sup>28</sup> When children reach the age of sixteen, provided they are mentally competent, they are considered to be *sui juris* and capable of consenting to treatment themselves.<sup>29</sup> Prior to this age, however, a child that has achieved a sufficient degree of understanding and intelligence regarding any treatment that he or she is about to undergo may be considered competent and capable of providing valid consent to this treatment. This level of competence varies according to the seriousness of treatment and “reflects the staged development of a normal child and the progressive transition of the adolescent from childhood to adulthood.”<sup>30</sup> This concept is known as Gillick competence,<sup>31</sup> and may be overruled by a parent if the child is refusing to consent to treatment; a parent, however, cannot overrule a Gillick competent child's consent to treatment.<sup>32</sup>

---

<sup>24</sup> THE DEPARTMENT OF HEALTH, THE NHS PLAN: A PLAN FOR INVESTMENT, A PLAN FOR REFORM, Cm. 4818-I, 1999-2000, [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4002960](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4002960) and The Department of Health, *Getting the right start: National Service Framework for Children, Young People and Maternity Services: Standard for hospital services*, 2003, [http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4006182](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4006182).

<sup>25</sup> Department of Health, *National Service Framework documents*, June 2007, [http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/ChildrenServices/Childservicesinformation/DH\\_4089111](http://www.dh.gov.uk/en/Policyandguidance/Healthandsocialcaretopics/ChildrenServices/Childservicesinformation/DH_4089111).

<sup>26</sup> National Statistics, *Health Statistics Quarterly 34, Web Supplement: Death registrations in England and Wales: 2006*, June 2007, at II, [http://www.statistics.gov.uk/downloads/theme\\_health/Death\\_registration\\_2006.pdf](http://www.statistics.gov.uk/downloads/theme_health/Death_registration_2006.pdf).

<sup>27</sup> Children Act 1989 c. 41, §§ 2-3 and PRINCIPLES OF MEDICAL LAW (Andrew Grubb and Judith Laing, eds., 2<sup>nd</sup> ed. 2004) ¶ 4.49.

<sup>28</sup> Children Act 1989 c. 41, § 2 and PRINCIPLES OF MEDICAL LAW (Andrew Grubb and Judith Laing, eds., 2<sup>nd</sup> ed. 2004) ¶ 4.51.

<sup>29</sup> Family Law Reform Act 1969, c. 46, § 8(1) which provides “The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.”

<sup>30</sup> PRINCIPLES OF MEDICAL LAW, *supra* note 1, at ¶ 4.59.

<sup>31</sup> *Gillick v West Norfolk and Wisbech Area Health Authority* [1986] AC 112.

<sup>32</sup> *In re R (A Minor) (Wardship: Consent to Treatment)* [1992] Fam. 11 and PRINCIPLES OF MEDICAL LAW (Andrew Grubb and Judith Laing, eds., 2<sup>nd</sup> ed. 2004) ¶ 4.67.

#### IV. Education

Education is funded by the government and the way in which it is provided is governed primarily by statute and a voluminous amount of secondary legislation, although some aspects of the common law continue to exist in the educational setting, such as the duty of care owed by education authorities and their employees regarding the care and supervision of students.<sup>33</sup> The primary legislation in this area is the Education Act 1996;<sup>34</sup> the Education Act 1997;<sup>35</sup> the Education (Schools) Act 1997;<sup>36</sup> the Special Educational Needs and Disability Rights Act 2001;<sup>37</sup> the Further and Higher Education Act 1992;<sup>38</sup> the Learning and Skills Act 2000; the Teaching and Higher Education Act 1998;<sup>39</sup> and the School Standards and Framework Act 1998<sup>40</sup> as amended and supplemented by the Education Acts of 2002<sup>41</sup> and 2005.<sup>42</sup> These Acts together provide the framework for the provision of nursery education for children that are not yet old enough for compulsory education and primary and secondary education for children and teenagers and cover issues such as funding; governance; staffing; admissions and attendance.

It is the duty of the Secretary of State to provide children with education in England and Wales, and this duty is typically performed by Local Education Authorities (LEA) for each county in England.<sup>43</sup> Education in Wales is a devolved area, meaning that it can pass regulations to address educational issues separately from England. Regulations specifically addressing Wales are not addressed in this report.

#### Compulsory Education

There are three stages of public education in England, comprised of the primary education stage; secondary education stage and further education.<sup>44</sup> Nursery education is also provided for children who are over two years of age but have not yet reached the compulsory school age.<sup>45</sup> Compulsory education in England begins at the age of five years old and continues until the end of the "school leaving year" in which the child is sixteen years old.<sup>46</sup> When a child turns five years old the parents must ensure that their child receives "efficient full-time education suitable to his age, ability and aptitude, and to any special educational needs he may have, either by regular attendance at school or otherwise."<sup>47</sup> Once a child has reached the age for compulsory education and is registered with a school in his or her area it is an offense for the parent to fail to have the child attend the school regularly; parents may be punished with a fine for

---

<sup>33</sup> *Williams v Eady* (1893) 10 TLR 41 (CA).

<sup>34</sup> Education Act 1996, c. 56.

<sup>35</sup> Education Act 1997, c. 44.

<sup>36</sup> Education (Schools) Act 1997, c. 59.

<sup>37</sup> Special Educational Needs and Disability Rights Act 2001 c. 10.

<sup>38</sup> Further and Higher Education Act 1992 c. 13.

<sup>39</sup> Teaching and Higher Education Act 1998, c. 30.

<sup>40</sup> School Standards and Framework Act 1998 c. 31.

<sup>41</sup> Education Act 2002, c. 32.

<sup>42</sup> Education Act 2005, c. 18.

<sup>43</sup> Education Act 1996 c. 56, § 12.

<sup>44</sup> Education Act 1996 c. 56, and the Further and Higher Education Act 1992 c. 13.

<sup>45</sup> School Standards and Framework Act 1998 c. 30.

<sup>46</sup> Education Act 1996, c. 56, § 8(3)(a).

<sup>47</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKAY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(1) ¶ 15 and Education Act 1996, § 7.

failing to do so.<sup>48</sup> The duty for children to obtain an education thus falls both upon the parents, to ensure that they attend schools, and local education authorities, who are responsible for providing the schools.

### Curriculum

The Secretary of State and LEAs have a duty to put in place, and follow, a curriculum that is balanced and broad and “promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.”<sup>49</sup> There is a national curriculum in place across England that consists of a foundation stage and then four key stages. During these stages, various arrangements are in place for assessing students and upon helping them achieve attainment targets. For the four key stages of education the core subjects include mathematics, English, science, design and technology, information and communication technology, physical education, history, geography, art and design, music, citizenship and a modern foreign language.<sup>50</sup>

### Rights in Education

The right to an education is provided for in a number of international conventions to which the UK is a party, notably the Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>51</sup> the European Convention on Human Rights and the Universal Declaration of Human Rights.<sup>52</sup> Further to this, the Education Act 1996 imposes a duty on the Secretary of State to “promote the education of the people of England.”<sup>53</sup> When performing the duties under the various Education Acts, the Secretary of State must regard the general principle that pupils should be educated in accordance with the wishes of their parents “so far as that is compatible with the provision of efficient instructions and training and the avoidance of unreasonable public expenditure.”<sup>54</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms also provides for the principle that parents have the right to ensure that any education or training conforms with their own religious and philosophical beliefs; this principle, however, is only valid in England insofar as it is “compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.”<sup>55</sup> These issues typically arise with regard to the provision of religious and/or sex education. The typical resolution of these issues is that parents request that their children are wholly or partly excused from these educational classes.<sup>56</sup>

---

<sup>48</sup> Education Act 1996, c. 56 § 444.

<sup>49</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKEY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(2) ¶ 913 and Education Act 2002, § 78.

<sup>50</sup> Education Act 2002 c. 32, § 84.

<sup>51</sup> The Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, Nov. 4, 1950) TS 71 (1953), art. 28(1) provides that “state parties recognize the right of the child to education.”

<sup>52</sup> The Universal Declaration of Human Rights, Art. 26(1) provides that “everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.”

<sup>53</sup> Education Act 1996 c. 56, § 10.

<sup>54</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKEY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(1) ¶ 13 and the Education Act 1996 c. 56, § 9.

<sup>55</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKEY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(1) ¶ 13.

<sup>56</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKEY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(1) ¶ 13.

Discrimination in its various forms (race,<sup>57</sup> gender,<sup>58</sup> disability,<sup>59</sup> and sexual orientation<sup>60</sup> or religion<sup>61</sup> in the higher and further education sectors) is prohibited when providing education in England and Wales. LEAs have a duty to identify children with special needs and to then make an assessment of what needs they have and then to make a statement of these special needs, to include details of the assessment and the special educational provisions that are to be made to meet these needs. The statement includes the type of school or institution the LEA considers to be appropriate for the child, or to specify the name of the mainstream public school that it considers appropriate for the child, and any special educational provisions that it considers necessary.<sup>62</sup> It is currently general policy to include special needs children into mainstream public schools unless this is incompatible with the wishes of the parents or would have a negative impact on the efficient education of other children.<sup>63</sup> If the statement of special needs names a public school, that child must be admitted to that school.<sup>64</sup>

### Discipline

There is no longer a right for teachers or any member of staff to administer corporal punishment to pupils because it is considered that “it cannot be justified in any proceedings.”<sup>65</sup> Members of staff of schools may use reasonable force to restrain pupils from committing an offense, causing personal injury or damage to property or prevent them from engaging in any highly disruptive behavior in school.<sup>66</sup> Discipline in schools in England is primarily achieved through after school detention, sanctioned under the common law, and typically requires parental consent or notice.<sup>67</sup> The ultimate sanction for repeated bad behavior is exclusion from the school, either on a temporary or permanent basis.

## V. Child Labor and Exploitation

There are extensive laws and regulations regarding child labor and exploitation in England and Wales. The main legislation restricting the use of children in employment is the Children and Young Persons Act 1933.<sup>68</sup> The term “child” in this context is defined as anyone of compulsory school age (up to age sixteen).<sup>69</sup> The general rules are that no child may be employed under the age of fifteen years, or fourteen years for light work;<sup>70</sup> be required to work during school hours; before 7 a.m. or after 7 p.m. on any day; or be required to work for more than two hours on any day they are required to attend school, for more than twelve hours in any week they are required to attend school; or for more than two hours on Sundays. For non-school days, children under the age of fifteen may work up to five hours a day on days that they are not required to attend school, not including Sundays, up to a maximum of twenty five hours

---

<sup>57</sup> Race Relations Act 1976 c. 74.

<sup>58</sup> Sex Discrimination Act 1975 c. 65.

<sup>59</sup> Disability Discrimination Act 1995, c. 50.

<sup>60</sup> The Employment Equality (Sexual Orientation) Regulations 2003, SI 2003/1661.

<sup>61</sup> The Employment Equality (Religion or Belief) Regulations 2003, SI 2003/1660.

<sup>62</sup> Education Act 1996 c. 56, § 324.

<sup>63</sup> Education Act 1996 c. 56, § 316.

<sup>64</sup> Education Act 1996 c. 56, § 324.

<sup>65</sup> HALSBURY'S LAWS OF ENGLAND (LORD MACKEY OF CLASHFERN, ed. 4<sup>th</sup> ed. Reissue 2006), Vol. 15(1) ¶ 577 and Education Act 1996 c. 56, § 548.

<sup>66</sup> Education Act 1996, c. 56, § 550A.

<sup>67</sup> Cleary v Booth [1893] 1 QB 465 and Education Act 1996 c. 56, § 550B.

<sup>68</sup> Children and Young Persons Act 1933, 23 & 24 Geo. 5, c. 12.

<sup>69</sup> Education Act 1996 c. 56, § 558.

<sup>70</sup> This was previously thirteen years of age, but increased due to a European Union directive, implemented into the national law of England and Wales by the Children (Protection at Work) Regulations 1998, SI 1998/276.



per week. Those aged fifteen years or older may work up to eight hours per day on any day school attendance is not required, up to a maximum of thirty five hours per week, with the limit to working a maximum of two hours on a Sunday still applying. Anyone employing children over the age of fourteen must provide them with at least a one hour break after they have worked four or more hours.<sup>71</sup> It is an offense to employ a child in contravention of these laws, punishable by a fine. Additional provisions are applicable to children in the entertainment industry, which provides an exemption: that children can perform certain duties under a license.<sup>72</sup> Local authorities can also make by-laws to further restrict the hours or circumstances in which children may work.<sup>73</sup>

There are a number of laws that prohibit the use and exploitation of children in dangerous labor. The following examples are extracted from a House of Commons Library Standard note and include:

- Employment of Women, Children and Young Persons Act 1920, which prohibits the employment of children in any “industrial undertaking,” including mines and quarries, manufacturing industry, construction, and the transport of passengers or goods by road, rail, or inland waterway;
- The Offices, Shops and Railway Premises Act 1963, which provides that no young person may clean machinery if to do so would expose him to risk of injury;
- The Betting, Gaming and Lotteries Act 1963, which prohibits the employment of persons under eighteen in effecting any betting transaction or in a licensed betting office;
- The Licensing Act 1964, which prohibits the employment of children in the bar of licensed premises;
- the Licensing (Occasional Permission) Act 1983, which prohibits any person under eighteen from selling or serving alcohol in premises authorized under the Act (paragraph 5(1) of the Schedule);
- The Merchant Shipping Act 1970, by virtue of which no person under minimum school leaving age may be employed on a ship registered in the UK, except as permitted by Regulations made under the Act; and
- The Manual Handling Operations Regulations 1992, which prohibit children from handling any heavy load which is likely to cause injury to them.
- The Prevention of Accidents to Children in Agriculture Regulations 1998 SI No.3262 prohibit the riding by a child on certain classes of vehicle or machine used in agricultural operations.<sup>74</sup>

The use of children in armed conflict is prohibited in England and Wales, and it is party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.<sup>75</sup> The minimum age for joining the armed forces is sixteen years of age, and parental consent is

---

<sup>71</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 18.

<sup>72</sup> Children and Young Persons Act 1963 c. 37, and the Children (Performances) Regulations 1968 SI 1968/1728 (as amended).

<sup>73</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 18.

<sup>74</sup> This list of acts and summaries are from House of Common's Library Standard Note, *Employment of Children*, SN SN/BT/653, 2003.

<sup>75</sup> The Child Soldiers Protocol, comprising a Preamble and thirteen articles, entered into force on February 12, 2002. G.A. Res. A/RES/54/263 of 25 May 2000. For an online text, see the UNHCHR Web site,

required up until the prospective recruit reaches the age of eighteen.<sup>76</sup> In 2004 6,690 Members of the Armed forces were under the age of eighteen, representing 3.2 per cent of all Armed Forces' personnel.<sup>77</sup> Only those over the age of eighteen are deployed to operations, "in accordance with the UK position on the UN Convention on the Rights of the Child."<sup>78</sup>

## VI. Sale and Trafficking of Children

The prohibition of trafficking in children is addressed through a number of Acts of Parliament, notably the Immigration Act 1971 (the facilitation of illegal immigration);<sup>79</sup> the Asylum and Immigration (Treatment of Claimants) Act 2004,<sup>80</sup> (which introduced a new criminal offence of trafficking people into, within or out of the UK for the purposes of exploitation); the Children Act 1989;<sup>81</sup> the Children Act 2004<sup>82</sup> (child protection and care) and the Sexual Offences Act 2003.<sup>83</sup>

The Sexual Offences Act 2003 is currently the substantive piece of legislation regarding sexual offenses and introduced the specific offense of trafficking individuals into, within or out of the England and Wales for the purposes of sexual exploitation. The wording of the trafficking offence does not mirror that in the UN Protocol to prevent, suppress, and punish trafficking. During debates on the offense, Parliament noted that it was specifically not worded in this manner because Parliament "did not wish to limit the offences to those carried out by the use of threats, force, coercion, abduction, fraud, deception or abuse of power or vulnerability ... Its view was that where these abusive elements were present they could be charged in their own right."<sup>84</sup>

A person commits an offense of trafficking an individual for sexual exploitation under the Sexual Offences Act 2003 if he or she intentionally arranges or facilitates the arrival in, movement within or out of the UK, and intends to do an act, or believes that another person is likely to do an act, in respect to the person that he or she has trafficked in or out of England and Wales that, if performed, involves the commission of a "relevant offence."<sup>85</sup> The offense of trafficking covers situations where a person is brought through England and Wales as an interim destination and also covers situations where a person would be guilty of the offense, for example through arranging travel documents, even if the person being

---

<http://www.unhcr.ch/html/menu2/6/protocolchild.htm> (last visited July 23, 2007). For the status of ratifications and reservations to the Child Soldiers Protocol, see the OHCHR Web site, [http://www.ohchr.org/english/countries/ratification/11\\_b.htm](http://www.ohchr.org/english/countries/ratification/11_b.htm) (updated as of July 13, 2007) (last visited July 23, 2007).

<sup>76</sup> Army Act 1955 c. 18, § 2 and the Air Force Act 1955 c. 19, § 9. See also HOUSE OF COMMONS DEFENCE SELECT COMMITTEE, THIRD REPORT, 2004-5, HC 63-I, ¶ 69.

<sup>77</sup> House of Commons Defence Select Committee, Third Report, 2004-5, HC 63-I, ¶ 69.

<sup>78</sup> House of Commons Defence Select Committee, Third Report, 2004-5, HC 63-II.

<sup>79</sup> Immigration Act 1971, c. 77.

<sup>80</sup> Asylum and Immigration Act 2004, c. 19.

<sup>81</sup> Children Act 1989, c. 41.

<sup>82</sup> Children Act 2004, c. 31.

<sup>83</sup> Sexual Offences Act 2003, c. 42.

<sup>84</sup> House of Commons Research Paper, *The Sexual Offences Bill, Bill 128, 2002-2003*, 03/62, 2003, [www.parliament.uk/commons/lib/research/rp2003/rp03-062.pdf](http://www.parliament.uk/commons/lib/research/rp2003/rp03-062.pdf) referring to 189 HL Deb 13 May 2003 cc202-5.

<sup>85</sup> Sexual Offences Act 2003 c. 42, §§ 57-59. The 'relevant offences' are defined in section 60 of the Sexual Offences Act 2003. They are wide ranging and cover all forms of sexual offenses under the Sexual Offences Act 2003, from rape to causing or inciting prostitution, and also extend to taking or making indecent photographs of children that are offenses under the Protection of Children Act 1978. The purpose of having such a wide ranging definition is to: "offer greater protection against all forms of sexual trafficking, for example, for those who are trafficked in order to be sexually assaulted by others where there is no financial payment for the sexual services." Home Office Circular, *Guidance on Part 1 of the Sexual Offences Act 2003*, [http://www.knowledgenetwork.gov.uk/HO/circular.nsf/1cc4f3413a62d1de80256c5b005101e4/F42DF595CC5A54DB80256E5F0057517C/\\$file/final%20text.doc](http://www.knowledgenetwork.gov.uk/HO/circular.nsf/1cc4f3413a62d1de80256c5b005101e4/F42DF595CC5A54DB80256E5F0057517C/$file/final%20text.doc) (last visited Aug. 7, 2007).

trafficked is ultimately not sexually exploited. The trafficking offenses all have extra-territorial application, making it possible to prosecute any British person that conducts the trafficking activity specified in the Act in any country in the world without the need for an equivalent offense in that country.<sup>86</sup> The maximum penalty for trafficking for the purposes of sexual exploitation is fourteen years imprisonment.

Trafficking to generally exploit people is also covered under the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. This Act provides that it is an offense for a person to arrange travel for someone into, within or out of the United Kingdom with the intention that he or she will exploit that person, or a belief that another person is likely to exploit them. A person is exploited if he or she is forced into labor or slavery; encouraged, required or expected to perform acts regarding the unlawful removal of human organs; has been subjected to force, threats, or deception designed to induce him or her to provide services of any kind or provide another person or enable another person to acquire benefits of any kind, is requested or induced to undertake any activity, having been chosen as the subject of the request or inducement on the grounds that he is young and an older person would be likely to refuse the request or resist the inducement.<sup>87</sup> These sections also apply to acts done outside England and Wales by British nationals, subjects, and citizens.<sup>88</sup> A person found guilty of an offense under this Act may be imprisoned for up to fourteen years.

The statutory framework for the basic protection of children once in England and Wales is provided for through the Children Act 1989 and the Children Act 2004. The Children Act 1989 places a duty on local authorities to prevent children in their area from suffering ill treatment or neglect by ensuring services are provided for them<sup>89</sup> and to investigate any situation where a child in their area is subject to an emergency protection order; is in police protection; or if there is reasonable cause to suspect that the child is suffering or likely to suffer from significant harm.<sup>90</sup> An example of services provided to children that have suffered from ill treatment or neglect is that of safe houses provided by West Sussex County Council, the local authority covering the area surrounding Gatwick Airport.<sup>91</sup>

The Children Acts provide Local Authorities with the power to apply to the court for an emergency protection order if there are reasonable grounds to believe that the child will suffer from significant harm if he or she is not removed to accommodation provided by the local authority; that the local authority are making enquiries that are being frustrated by access to the child being refused; or if inquiries are being made and frustrated through access to the child being unreasonably refused and there is reasonable cause to suspect that a child is suffering or likely to suffer significant harm.<sup>92</sup> Emergency protection orders can be granted by the courts for up to eight days and has the effect of giving the local authority the power to remove the child from the home or prevent the child from being removed from a hospital or state accommodation; it also gives the Local Authority limited parental responsibility for the child.<sup>93</sup>

---

<sup>86</sup> Sexual Offences Act 2003 c. 42, §§ 57-59 and Home Office Circular, *Guidance on Part 1 of the Sexual Offences Act 2003*, ¶ 265, available at [http://www.knowledgenetwork.gov.uk/HO/circular.nsf/1cc4f3413a62d1de80256c5b005101e4/F42DF595CC5A54DB80256E5F0057517C/\\$file/final%20text.doc](http://www.knowledgenetwork.gov.uk/HO/circular.nsf/1cc4f3413a62d1de80256c5b005101e4/F42DF595CC5A54DB80256E5F0057517C/$file/final%20text.doc) (last visited Aug. 7, 2007).

<sup>87</sup> Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, c. 19, § 4(4).

<sup>88</sup> *Id.*, § 5.

<sup>89</sup> Children Act 1989 c. 41, sch. 2, ¶ 4.

<sup>90</sup> Children Act 1989 c. 41, § 47.

<sup>91</sup> House of Commons Research Paper, *The Sexual Offences Bill, Bill 128, 2002-2003*, 03/62, 2003, available at [www.parliament.uk/commons/lib/research/rp2003/rp03-062.pdf](http://www.parliament.uk/commons/lib/research/rp2003/rp03-062.pdf).

<sup>92</sup> Children Act 1989 c. 41, § 44.

<sup>93</sup> *Id.*

## VII. Juvenile Justice

A number of Acts, dating back to 1933, provide for the system of juvenile justice in England and Wales and attempt to ensure that a fair trial and fair treatment is given to children accused of crimes. The minimum age of criminal responsibility in England and Wales is currently ten years old.<sup>94</sup> Those below this age are considered *doli incapax* and thus incapable of forming criminal intent.<sup>95</sup>

Children arrested for crimes in England and Wales and held in custody must be separated from the adult population of the jail. Their guardians must be notified as soon as reasonably practicable and informed of the charges brought against the child and the child's place of detention.<sup>96</sup> During any court proceedings involving the child under the age of sixteen the law requires the attendance of the child's guardian during all proceedings, unless this is unreasonable in the circumstances of the case.<sup>97</sup> The general principle for children charged with crimes is that they should not be held in police custody but instead taken care of by social services in Local Authority accommodations. The principle is considered to be of such importance that police custody officers have a statutory duty to release juveniles to local authority accommodations unless they can certify that specific circumstances make it impracticable for this to occur, or for children aged twelve or over no secure accommodation is available, and no other local authority accommodation is adequate to protect the public from the serious harm posed by the child.<sup>98</sup>

The principal aim of the juvenile justice system is to "prevent offending by children and young people."<sup>99</sup> To achieve this aim, the juvenile justice system in England and Wales progresses through a series of steps.<sup>100</sup> The first two, which apply only to less serious crimes, aim at preventing the child from entering the juvenile justice system through a series of behavioral contracts and other methods designed to correct the child's behavior to prevent him or her from re-offending or committing a serious offense.<sup>101</sup> For example, a system of cautioning has been developed for young offenders through reprimands and warnings that are given to those who admit guilt to the police for their crimes and for whom there is sufficient evidence that any prosecution for the offence would be successful.<sup>102</sup> Upon receiving the reprimand or warning the young offender is then referred to the Youth Justice Board who arranges for the youth's participation in a rehabilitation programme.

For children to whom these preventive methods do not apply, for example, due to the seriousness of the offense, or who have exhausted them, the juvenile justice system then operates in the form of a Youth Court, which hears cases of ten to eighteen year olds.<sup>103</sup> This youth court was established to prevent children and young people from entering into contact or associating with adult suspects during any phase of a trial.<sup>104</sup> The public are excluded from these courts; further, reporting restrictions may be placed on what the media may publish from these proceedings. There are also laws that protect the

---

<sup>94</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 60.

<sup>95</sup> LEGAL CONCEPTS OF CHILDHOOD, (Julia Fionda, ed., 2001) 85.

<sup>96</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 34.

<sup>97</sup> *Id.*

<sup>98</sup> Police and Criminal Evidence Act 1984 c. 60, § 38(6).

<sup>99</sup> Crime and Disorder Act 1998, § 37.

<sup>100</sup> An overview of these steps is available online at Youth Justice Board for England and Wales, *Youth Justice System*, <http://www.yjb.gov.uk/en-gb/yjs/TheSystem/> (last visited Aug. 2007).

<sup>101</sup> *Id.*

<sup>102</sup> Crime and Disorder Act 1998 c. 54, § 65.

<sup>103</sup> Criminal Justice Act 1991 c. 53, § 68.

<sup>104</sup> ANDREW BAINHAM, CHILDREN – THE MODERN LAW 494 (2<sup>nd</sup> ed. 1998).

anonymity of children appearing before the court.<sup>105</sup> The Youth Court is a specialized magistrates' court that is comprised of justices of the peace, with three normally present for each case.<sup>106</sup> The court has a range of different sentences for young offenders;<sup>107</sup> for example, supervision orders<sup>108</sup> that can have a variety of conditions attached to them or an Action Plan Order, an intensive, three month long community-based programme.<sup>109</sup> More serious custodial methods of punishment are detention and training orders.<sup>110</sup> These orders are normally given to children representing a "high level of risk [to the public], have a significant offending history or are persistent offenders and where no other sentence will manage their risks effectively."<sup>111</sup> They apply for a minimum period of four months to a maximum period of two years, with half of the sentence being served in custody and the remainder in the community supervised by a "youth offending" team.<sup>112</sup> Only those offenders over the age of fifteen may be sentenced to detention in a young offenders' institution, although this latter restriction does not apply to children aged ten and over convicted of murder.<sup>113</sup>

For very serious offenses, children are prosecuted in the Crown Court. A practice direction issued by the Lord Chief Justice of England and Wales in respect to Crown Court prosecutions of children requires that the "trial process should not itself expose the young defendant to avoidable intimidation, humiliation or distress. All possible steps should be taken to assist the young defendant to understand and participate in the proceedings. The ordinary trial process should so far as necessary be adapted to meet those ends."<sup>114</sup> The Children and Young Persons Act 1933 requires that the welfare of the defendant should be regarded during any criminal proceedings,<sup>115</sup> and the practice direction requires that breaks be frequently taken, that the formal court attire of robes and wigs not be worn, and that there be no recognizable police presence in court without good cause.<sup>116</sup> The Crown Court is the only court that is permitted to follow these rules for sentencing children between ten and eighteen years old that have committed an offense that is punishable by fourteen or more years' imprisonment for adult offenders, children that have committed murder, or certain sexual offenses, may be sentenced for up to the adult maximum for the same offense.<sup>117</sup> The young offenders are not placed in prisons alongside adults, but can be placed in secure training centers, secure children's homes, or young offenders' institutions.<sup>118</sup>

---

<sup>105</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 39 and the Youth Justice and Criminal Evidence Act 1999, c. 23, § 44.

<sup>106</sup> ANDREW BAINHAM, CHILDREN – THE MODERN LAW 494 (2<sup>nd</sup> ed. 1998).

<sup>107</sup> A brief overview of all methods – both sentence based and pre-court methods are summarized online at Youth Justice Board for England and Wales, *Sentences, Orders and Agreements*, <http://www.yjb.gov.uk/en-gb/yjs/SentencesOrdersandAgreements> (last visited Aug. 9, 2007).

<sup>108</sup> Powers of Criminal Courts (Sentencing) Act 2000, c. 6, §§ 64-67.

<sup>109</sup> *Id.*, c. 6, §§ 69-72.

<sup>110</sup> *Id.*, c. 6, §§ 100-107.

<sup>111</sup> Youth Justice Board for England and Wales, *Detention and Training Order*, <http://www.yjb.gov.uk/en-gb/yjs/SentencesOrdersandAgreements/DTO> (last visited Aug. 8, 2007).

<sup>112</sup> *Id.*

<sup>113</sup> Powers of Criminal Courts (Sentencing) Act 2000, c. 6, § 90.

<sup>114</sup> Practice Direction, *Trial of Children and Young Persons in the Crown Court*, Feb. 2000, ¶ 3, available at <http://www.hmcourts-service.gov.uk/cms/926.htm>.

<sup>115</sup> Children and Young Persons Act 1933 23 & 24 Geo. 5, c. 12, § 44.

<sup>116</sup> Practice Direction, *Trial of Children and Young Persons in the Crown Court*, Feb. 2000, ¶¶ 9-13, available at <http://www.hmcourts-service.gov.uk/cms/926.htm>.

<sup>117</sup> Powers of Criminal Court (Sentencing) Act 2000, c. 6 §§ 90- 91.

<sup>118</sup> Youth Justice Board for England and Wales, *Custody*, <http://www.yjb.gov.uk/en-gb/yjs/Custody/> (last visited Aug. 8, 2007).

### **VIII. Concluding Remarks**

Overall, the legal regime applying to children's rights in England and Wales is voluminous and complex, with a large number of Acts providing varying rights for children. As an industrialized Western nation, children do have relatively extensive rights regarding both their protection in areas such as the criminal justice system and their entitlement regarding health and education.

Prepared by Clare Feikert  
Foreign Law Specialist  
August 2007