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EUROPEAN SOCIAL CHARTER

European Committee of Social Rights

Conclusions 2019

UNITED KINGDOM

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

A presentation of this treaty as well as statements of interpretation formulated by the Committee appear in the General Introduction to the Conclusions.¹

The 1961 European Social Charter was ratified by the United Kingdom on 11 July 1962. The time limit for submitting the 38th report on the application of this treaty to the Council of Europe was 31 October 2012 and the United Kingdom submitted it on 19 December 2018.

This report concerned the following “non-hard core” provisions of the Charter:

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19).

The United Kingdom has accepted all provisions from the above-mentioned group except Articles 7§1, 7§4, 7§7, 7§8, 8§§2 to 4.

The reference period was 1 January 2014 – 31 December 2017.

The present chapter on the United Kingdom concerns 19 situations and contains:

- 7 conclusions of conformity: Articles 7§2, 7§6, 7§9, 19§1, 19§4, 19§5 and 19§5;
- 6 conclusions of non-conformity: Articles 7§3, 7§5, 7§10, 8§1, 17, 19§6.

In respect of the other 6 situations concerning Articles 16, 19§2, 19§3, 19§8, 19§9 and 19§10, the Committee needs further information in order to assess the situation.

The Committee considers that the absence of the information required amounts to a breach of the reporting obligation entered into by the United Kingdom under the 1961 Charter. The Government consequently has an obligation to provide the requested information in the next report from the United Kingdom on this provision.

The next report from the United Kingdom deals with the accepted provisions of the following articles belonging to the thematic group “Employment, training and equal opportunities”:

- the right to work (Article 1);
- the right to vocational guidance (Article 9);
- the right to vocational training (Article 10);
- the right of persons with disabilities to education, training and employment (Article 15);
- the right to engage in a gainful occupation in the territory of other States Parties (Article 18);
- the right of men and women to equal opportunities (Article 1 of the Additional Protocol).

The deadline for the report was 31 December 2019.

¹ The conclusions as well as state reports can be consulted on the Council of Europe’s Internet site (www.coe.int/socialcharter).

Article 7 - Right of children and young persons to protection

Paragraph 2 - Higher minimum age in dangerous or unhealthy occupations

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee previously found the situation to be in conformity with Article 7§2 of the 1961 Charter (Conclusions XX-4). It noted that Section 19 of the *Management of Health and Safety at Work Regulations 1999* prohibits the employment of young persons in work which entails exposure to danger. Young persons who have completed compulsory schooling, i.e. are over the age of 16, may however perform such work under competent adult supervision if this is necessary for their training and any risk is reduced to the lowest level that is reasonably practicable (Conclusions XX-4).

The current report indicates that under the *Management of Health and Safety at Work Regulations 1999*, an employer has a responsibility to ensure that young people employed by them are not exposed to risk due to lack of experience, being unaware of existing or potential risks and/or lack of maturity. An employer must consider the layout of the workplace, the physical, biological and chemical agents they will be exposed to, how they will handle work equipment, how the work and processes are organised and the extent of health and safety training needed.

The Committee took note previously of the measures taken by Health and Safety Executive (HSE) to provide young people with information on risks at the workplace. Employers' duties are explained in a revised guidance published by HSE on their website dedicated to young people at work. The revised guidance contains information on risks, legislation and work experience (Conclusions XX-4). The current report adds that there was considerable cross-government working to produce and raise awareness of the revised young people guidance, and HSE continues to work with business and education stakeholders to promote the guidance to all those involved in taking on young people for work or work experience.

The Committee noted previously that HSE Inspectors routinely provide guidance to employers on how to meet the requirements of the *Management of Health and Safety at Work Regulations 1999* during the inspections carried out by them. It asked for more detailed information on how the HSE Inspectors monitor the possible illegal employment of young workers in dangerous or unhealthy occupations (Conclusions XX-4). The report indicates that HSE inspectors do not have specific responsibility for monitoring the possible illegal employment of young workers in dangerous or unhealthy occupations. The main object of inspection is to check compliance with health and safety legislation and to ensure that a good standard of protection is maintained. The report adds that if inspectors find examples of dangerous health and safety practices, then the protection of vulnerable groups such as children and young people is a factor that they consider when applying the *Enforcement Management Model (EMM)*.

In reply to the Committee's question whether sanctions are imposed against employers who do not comply with the prohibition to employ young persons in work which entails exposure to danger or with the restrictions imposed in such cases, the report indicates that any sanctions would relate to any non-compliance with health and safety legislation. The Committee asks for concrete statistical data on the nature and number of sanctions applied in the next report.

The Committee noted previously that courts assess the involvement of children and other vulnerable groups in dangerous or unhealthy work when dealing with health and safety cases. It asked if the courts dealt with situations where children and young persons were involved in hazardous activities and what were the outcomes of such cases (Conclusions XX-4). The report mentions that an example of where courts have dealt with situations where a young person was involved included operating machinery without a guard and the company was fined.

The Committee takes note of the information provided on the legal framework and practice in respect to Northern Ireland and Isle of Man.

The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide updated information on the number and nature of violations detected as well as sanctions imposed for breach of the regulations related to the employment of young persons in dangerous or unhealthy occupations in the United Kingdom.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the United Kingdom is in conformity with Article 7§2 of the 1961 Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of young persons subject to compulsory education

The Committee takes note of the information contained in the report submitted by the United Kingdom.

In its previous conclusion, noting that children subject to compulsory education may work up to 8 hours per day and 35 hours per week during school holidays, the Committee considered that the situation was not in conformity with Article 7§3 of the Charter on the ground that the daily and weekly duration of light work for children who are still subject to compulsory education during school holidays was excessive (Conclusions XX-4).

The Committee noted previously that Section 18 (2A) of the Children and Young Persons Act 1933 defines the notion of "light work" as work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed: (a) is not likely to be harmful to the safety, health or development of children; and (b) is not such as to be harmful to their attendance at school or to their participation in work experience, or their capacity to benefit from the instruction received or, as the case may be, the experience gained (Conclusions XX-4).

The current report indicates that in respect of the United Kingdom, there have been no changes to the legislation during the reference period.

The Committee notes that children who are still subject to compulsory education are allowed to work up to 7 hours per day on non-school days on the Isle of Man, respectively up to 8 hours per day in the United Kingdom and up to 35 hours per week during holidays. The Committee recalls its Statement of Interpretation on the duration of light work (Conclusions XX-4). It recalls that children who are subject to compulsory schooling are entitled to perform only "light" work. Work considered to be "light" in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of "light work" and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral welfare, development or education.

The Committee therefore considers that the situation is not in conformity with Article 7§3 of the 1961 Charter on the ground that the daily and weekly duration of light work permitted to children subject to compulsory education during school holidays is excessive and therefore cannot be qualified as light work.

With regard to the duration of school holidays, the Committee asked for confirmation that children have 2 consecutive weeks free from work during the summer holiday in the United Kingdom (Conclusions XX-4). The report confirms that and refers to Section 18 (1) (j) of the Children and Young Persons Act 1933 which provides that "no child shall be employed at any time in a year unless at that time he has had, or could still have, during a period in the year in which he is not required to attend school, at least two consecutive weeks without employment." The report also confirms that children on the Isle of Man are required to have 2 consecutive weeks free from either work or attendance at school. The Committee considers that the situation is in conformity with the Charter on this point.

The Committee asked previously how many hours per day and in what intervals children may perform light work such as delivering newspapers or working as shop assistants (Conclusions XX-4). The report indicates that according to Section 18 of the *Children and Young Persons Act (1933)*, no child shall be employed before the close of school hours on any day on which he is required to attend school (1)(b); or before seven o'clock in the morning or after seven o'clock in the evening or any day (1)(c); or for more than two hours

on any day on which he is required to attend school (1)(d). The Committee considers that the situation is in conformity with the Charter on this point.

With regard to monitoring, the Committee previously asked for more detailed information on how the Labour Inspectorate monitors possible illegal employment of young workers subject to compulsory education (Conclusions XX-4). The report indicates that this matter is determined at local authority level. Authorities can inspect if they judge it to be necessary. If a local authority received information that there was illegal employment, it could inspect/act. The Department for Education policy team is not aware of any cases, but notes that local authorities are not obliged to pass on information to central government.

The Committee recalls that the effective protection of the rights enshrined in Article 7§3 cannot be secured by legislation only, and that the actual implementation of this legislation must be effective and strictly monitored. The Labour Inspectorate has a decisive role to play here. The Committee asks for information in the next report on the number and nature of breaches found with regard to the employment of children still subject to compulsory schooling, and on the penalties to which they were subject.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 7§3 of the 1961 Charter on the ground that the daily and weekly duration of light work permitted to children who are still subject to compulsory education during school holidays is excessive and therefore such work cannot be qualified as being light.

Article 7 - Right of children and young persons to protection

Paragraph 5 - Fair pay

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The report indicates that there have not been any changes in this reporting period. The general legal framework for apprenticeships is the *Apprenticeships, Skills, Children and Learning Act 2009*.

Young workers

The report provides some information as regards the rates of the National Minimum Wage (NMW) for young workers. According to the data available on the Government's website the following rates were for the National Living Wage and the National Minimum Wage from April 2016 (updated yearly):

- workers under 18 years – 3,87 British Pounds (GBP) per hour; workers between 18 – 20 years old – 5.30 (GBP) per hour; workers aged between 21-24 years – 6.70 (GBP) per hour; workers aged 25 and over € 7.20 per hour.

The Committee points out that the "fair" or "appropriate" character of the wage is assessed by comparing young workers' remuneration with the starting wage or minimum wage paid to adults (aged 18 or above) (Conclusions XI-1(1991), United Kingdom). The Committee notes that the difference between adults' minimum wage and that of young workers aged 16-18 exceeds 20%

As regards the adult minimum wage, the Committee has concluded that the situation in the United Kingdom was not in conformity with Article 4§1 of the 1961 Charter on the ground that the minimum wage does not ensure a decent standard of living. (Conclusions XXI-3 (2018). The Committee recalls that the adult reference wage must in all cases be sufficient to comply with Article 4§1 of the Charter. If the reference wage is too low, even a young worker's wage which respects the above-mentioned percentage differentials is not considered fair (Conclusions XII-2 (1992), Malta).

On this basis, the Committee considers that the situation is not in conformity with Article 7§5 of the 1961 Charter on the ground that the minimum wage of young workers aged 16 and 17 is not fair.

Apprentices

As for apprentices, the Committee notes that the NMW rate was of 2,73 GBP per hour in 2014, 3.30 GBP per hour in 2015, 3.40 GBP per hour in 2016 and 3.50 GBP per hour in 2017 (Government of the United Kingdom website, National Minimum Wage Rates). This NMW rate applies to apprentices aged 16 to 18 and to those aged 19 or over who are in their first year of their apprenticeship. All other apprentices (including the apprentices over 19 who have completed the first year of their apprenticeship) are entitled to the NMW rate corresponding to their age.

The Committee notes that in 2017 the apprentices' minimum wage rate was of 3.50 GBP per hour corresponding to 46.6% of the adult NMW (workers aged 25 and over) rate of 7.50 GBP per hour, which is considered to be acceptable under Article 7§5 of the 1961 Charter. The Committee recalls that the terms of apprenticeships should not last too long and, as skills are acquired, the allowance should be gradually increased throughout the contract period (Conclusions II (1971), Statement of Interpretation on Article 7§5), starting from at least one-third of the adult starting wage or minimum wage at the commencement of the apprenticeship, and arriving at least at two-thirds at the end (Conclusions 2006, Portugal).

In its previous Conclusions XX-4(2015) the Committee asked for information on the terms of apprenticeships and requests confirmation that the allowance is gradually increased during

the apprenticeship period. It requests information on the allowances paid to apprentices at the end of their apprenticeship. The report in reply indicates that apprenticeships are paid jobs with training. The Apprentice National Minimum Wage rate is currently (in April 2019) £3.70 per hour. For those under 18 in the second year of their apprenticeship, the minimum rate is £4.20. For 18 year olds in the second year of their apprenticeship, the minimum rate is £5.90. All those apprentices aged 19 and 20 are also entitled to a minimum rate of £5.90. All apprentices aged 21 and over are entitled to minimum rate of £7.38. Allowances therefore increase during an apprenticeship which spans the pay bands above and as a result of recommendations by the Low Pay Commission to increase the Apprentice National Minimum Wage. The lifetime benefits associated with doing an apprenticeship at Level 2 and 3 are significant, standing at between £48,000 and £74,000 for Level 2 and between £77,000 and £117,000 for Level 3 Apprenticeships.

In its previous Conclusions XX-4(2015) the Committee asked to be informed of any reforms in the legal framework and practice of apprenticeships intervened as a result of Government's initiatives. In reply the report indicates that from May 2017, the funding arrangements for apprenticeships changed as a result of the apprenticeships levy being introduced. Following legislation in the Finance Bill 2016, the apprenticeship levy came into force on 6 April 2017 requiring all employers with an annual pay bill of £3m or more to pay 0.5% of their paybill to invest in apprenticeship training. Apprenticeship levy is an important part of the changes to raise the quality of apprenticeships, creating long-term, sustainable investment in training.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 7§5 of the 1961 Charter on the ground that the minimum wage of young workers is not fair.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee notes from the report that a young person aged under 18 is entitled in law to request reasonable "Time off for Study or Training" with pay. This applies to

- employees aged 16 or 17 who are not in full time secondary or further education; and who are not in full time secondary or further education; and who have not achieved a qualification at NVQ level 2;
- 18 year olds are entitled to complete study or training they have already begun.
For those not covered by the above the general rules on time off for study apply .

Conclusion

The Committee concludes that the situation in the United Kingdom is in conformity with Article 7§6 of the 1961 Charter.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by the United Kingdom.

In its previous Conclusions XX-4 (2015) the Committee asked to receive more information on the conditions and medical surveillance applied to other occupational health risks (work involving risks other than work with lead) and some statistics in this regard. The report indicates that the Health and Safety Executive completes health surveillance in line with the legal framework for industries where there is high hazard.

- During 2016/17 (the latest statistics available), 5,620 people were under medical surveillance because of work with lead; of these, two were under the age of 18 years.
- During 2015/16, 6,451 people were under medical surveillance because of work with lead; of these, four were under the age of 18 years.
- During 2014/15, 6,374 people were under medical surveillance because of work with lead; of these, six were under the age of 18 years.

Conclusion

The Committee concludes that the situation in the United Kingdom is in conformity with Article 7§9 of the 1961 Charter.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Protection against sexual exploitation

The Committee previously asked to be informed whether legislation had been enacted to ensure that all children under 18 years of age were protected against all forms of sexual exploitation (Conclusions XX-4, 2015).

According to the report in England and Wales it is illegal to take, make, share and possess indecent images of people under 18 under the Protection of Children Act 1978 (as amended). The sale of children for sex is by definition a form of child sexual exploitation. Prosecutions for child sexual exploitation can be brought under provisions of the Sexual Offences Act 2003. These include paying for the sexual services of a child (section 47), where a child is defined as a person under 18.

In Scotland, offences in sections 9-12 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 criminalise the sexual exploitation of children through prostitution, pornography or other forms of commercial sexual exploitation (e.g. 'phone sex lines'). These offences apply where a person is under the age of 18.

In its previous conclusion the Committee found that the situation was not in conformity with Article 7§10 as children victims of prostitution could be subject to prosecution (Conclusions XX-4, 2015).

As regards England and Wales the report states that children who are subject to sexual exploitation will always be treated as victims. However no information is provided on any legislative changes in this respect. Therefore the Committee reiterates its finding of non conformity. However it asks the next report to provide information on any cases where a child has been prosecuted for loitering or soliciting for the purposes of prostitution.

The Committee notes that in Northern Ireland with the adoption of legislation on Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015, it became an offence to obtain sexual services in exchange for payment, either by paying, or promising to pay, any person directly, or through a third party. The 2015 Act repealed the offence of selling sexual services and also removed criminality for loitering or soliciting for the purposes of offering services as a prostitute in a street or public place. Section 22 of the 2015 Act also created a statutory defence for victims of human trafficking and slavery-like offences who have been compelled to commit certain offences. Subsections (6) and (7) made separate provision for victims who are children with the effect that a victim who was a child at the time when the offence took place would be able to use the defence where the offence was committed as a direct consequence of being a victim of a slavery-like offence or of "relevant exploitation".

The Committee asks for updated information as regards the situation in Scotland.

The Committee notes the information in the report on the measures taken to address the sexual exploitation of children such as the National Action Plan to Tackle Child Sexual Exploitation in Scotland, in Northern Ireland the response to the Marshal Inquiry into sexual exploitation of children. It asks the next report to provide updated information as well as measures taken in England and Wales.

Protection against the misuse of information technologies

The Committee asks the next report to provide updated information on measures taken to prevent the exploitation of children through the Internet.

Protection from other forms of exploitation

The Committee previously asked the next report to provide up-to-date information concerning on legislation on trafficking and steps taken to improve the identification of child victims of trafficking (Conclusions XX-4,2015).

The Committee notes from GRETA's report on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings [Second evaluation round (2016)21] that the Modern Slavery Act 2015 has entered into force. It establishes two offences: in section 1, slavery, servitude and forced or compulsory labour, and in section 2, human trafficking. It increases the maximum sentence for these offences to life imprisonment, makes it easier to confiscate the assets of traffickers and use them to compensate victims, and introduces provisions for slavery and trafficking prevention orders. The Act also introduced a range of increased support and protection available to victims. The Act creates a new statutory defence for victims who have been compelled to commit offences and new measures to protect victims who act as witnesses. It also makes provisions for independent child trafficking advocates. Moreover, the Act establishes the office of an Independent Anti-Slavery Commissioner and makes provision for the prevention of modern slavery in supply chains. While most of its provisions apply in England and Wales only, some provisions also concern Northern Ireland and Scotland (in particular those related to the Independent Anti-Slavery Commissioner, transparency in supply chains and maritime powers).

In Northern Ireland, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims Act (Northern Ireland) was enacted into law on 13 January 2015. The Act created a new consolidated offence of human trafficking and a new offence of slavery, servitude and forced or compulsory labour. It also includes measures in respect of sentencing, recovery of criminal assets, investigation and prosecution, prevention and protection and support for victims.. In Scotland, the Human Trafficking Exploitation (Scotland) Act 2015 consolidates and strengthens criminal law against traffickers and exploiters, enhances the support to victims, and requires relevant bodies to co-operate on a Scottish AntiTrafficking Strategy.

The Committee takes note of the information provided in the report on the UK Governments response to the recommendations made by GRETA following their first evaluation round.

The Committee asks the next report to provide updated information on measures taken to address the trafficking of children.

As regards labour exploitation the Committee notes that according to GRETA and National Crime Agency statistics, there is an upward trend in the proportion of referrals of victims of trafficking for the purpose of labour exploitation, which in 2015 was the most prominent type of exploitation recorded for both adult and child victims. Trafficking for forced criminality and forced begging is increasingly being recognised as an issue of concern in the UK.

The Committee asks the next report to provide information on measures taken to address the issue of the labour exploitation of children.

The Committee notes from other sources [National Crime Agency, the Children's Society] that the criminal exploitation of children is a significant problem driven by drug gangs, and including the [county lines](#) model of distributing and selling illegal narcotics. Under county lines youngsters are groomed by urban gangs operating phone lines for customers to buy drugs, and travel to take supplies up and down the country, and deal them.

The Children's Commissioner estimates that there are at least 46,000 children in England who are involved in gang activity. It is estimated that around 4,000 teenagers in London alone are being exploited through child criminal exploitation, or 'county lines'. Young people exploited through 'county lines' can often be treated as criminals themselves.

The Committee asks what measures are being taken to address the problem and ensure that children involved in county lines are treated of victims of exploitation.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 7§10 of the 1961 Charter on the ground that child victims of prostitution in England and Wales may be criminalised.

Article 8 - Right of employed women to protection

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Right to maternity leave

In its previous conclusions, the Committee noted that the Maternity and Parental Leave Regulations 1999, as amended, provided for up to 52 consecutive weeks' maternity leave for all employed women. However, only two weeks' postnatal leave was compulsory, except for factory workers, who were entitled to four weeks' compulsory postnatal leave. The Committee asked for a comprehensive overview of the measures adopted in the field of maternity, paternity and parental leave, which had been implemented to safeguard the right of employed women to choose freely when to return to work after childbirth.

In reply, the report states that the Shared Parental Leave Regulations 2014 and the Statutory Shared Parental Pay (General) Regulations 2014 came into force in Great Britain on 1 December 2014 for parents of children due or placed for adoption from 5 April 2015. Similar regulations came into force in Northern Ireland in 2015. The schemes allow eligible working couples to share up to 50 weeks of leave and 37 weeks of pay at the statutory flat rate (£140.98 for 2017-2018) or 90% of their average weekly earnings (whichever is lower). The report notes that these are not additional weeks of leave and pay on top of existing maternity entitlements. Shared Parental Leave and Shared Parental Pay are 'created' from any remaining weeks of leave (or Maternity Allowance) that are paid if a mother commits to ending her maternity entitlements earlier than planned. This provides the mother with the option of returning to work and the father/partner of being the child's main carer.

The Committee asks again what legal safeguards exist to avoid any pressure from employers on women to shorten their maternity leave; whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women and whether collective agreements offer additional protection. It points out that, should the necessary information not be provided in the next report, nothing will enable the Committee to establish that the situation in the United Kingdom is in conformity with Article 8§1 of the Charter in this respect.

Right to maternity benefits

In its previous conclusions, the Committee found that the situation in the United Kingdom was not in compliance with Article 8§1 of the 1961 Charter on the ground that the standard amounts of Statutory Maternity Pay, paid after six weeks, and Maternity Allowance were inadequate.

In its previous conclusion (Conclusions XX-4 (2015)), the Committee noted that women are entitled to either Statutory Maternity Pay (SMP) from their employer or Maternity Allowance (MA) from the State. SMP is paid for up to 39 weeks: 90% of the woman's average weekly earnings (before tax) for the first 6 weeks, and a standard weekly rate of £140.98 (€159) in 2017, or 90% of the woman's average weekly earnings (whichever is lower) for the next 33 weeks. Women who do not qualify for SMP may be entitled to MA, up to 39 weeks, if they have been worked in employed or self-employed activities for at least 26 weeks in the 66 weeks up to (and including) the week before the baby is due and have earned average weekly wages of at least £30 (€34) over 13 weeks within the above-mentioned 66 weeks. The Committee recalls that MA amounts to 90% of the woman's average weekly earnings, subject to a maximum weekly rate equal to the above-mentioned standard weekly rate of SMP (£140.98). The Committee refers to its previous conclusion (Conclusions XX-4 (2015)) for the description of the conditions required to benefit from the Statutory Maternity Pay.

The Committee takes note that, in addition to the benefits already assessed (Statutory Maternity Pay and Maternity allowance), other forms of financial support, such as Tax Credits and the Sure Start Maternity Grant (a lump sum payment of £500), are available to lower income families.

With regard to Article 8§1, the minimum rate of maternity benefit paid as compensation for earnings must constitute a reasonable proportion of the previous wage or salary (that is at least 70%) and must never be less than 50% of the median equivalised income (Statement of Interpretation of Article 8§1, Conclusions 2015). If the benefit concerned falls between 40 and 50% of the median equivalised income, other benefits, including ones relating to social welfare or housing, will be taken into account. However, a rate set at less than 40% of the median equivalised income is manifestly inadequate, so that combining it with other benefits cannot bring the situation into line with Article 8§1.

According to Eurostat data, the gross minimum monthly wage was € 1,403 (90% = €1,263) in 2017. In view of the set standard rates for Statutory Maternity Pay (SMP) after six weeks and Maternity Allowance (MA), the Committee considers that the level of maternity benefits continues to be too low and therefore is inadequate.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 8§1 of the 1961 Charter on the ground that the standard weekly rate of Statutory Maternity Pay after six weeks and the maximum weekly rate of the Maternity Allowance are inadequate.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Legal protection of families

Rights and obligations, dispute settlement

The Committee previously examined the situation with respect to the **rights and obligations of spouses** and **settlement of disputes** and found the situation to be in conformity with the 1961 Charter in this respect (Conclusions XIX-4 (2011) and Conclusions XX-4 (2015)). The report does not indicate any new developments in this sense.

With regard to **mediation services**, the Committee took note previously of the family mediation services operating throughout the United Kingdom and asked what assistance is available for families in case of need (Conclusions XX-4 (2015)). The report provides detailed information on the assistance provided to families in order to access mediation and counselling services in Scotland and Northern Ireland.

Issues related to **restrictions to parental rights and placement of children** are examined under Article 17.

Domestic violence against women

The Committee recalls that States Parties are required to ensure an adequate protection with respect to women, both in law and in practice, in the light of the principles laid down in Recommendation Rec(2002)5 of the Committee of Ministers of the Council of Europe to member States on the protection of women against violence and Parliamentary Assembly Recommendation 1681 (2004) on a campaign to combat domestic violence against women in Europe. It notes that these instruments have been superseded in 2011 by the Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which is legally binding for the States which have ratified it. It notes however that United Kingdom has not ratified the Istanbul Convention yet (just signed it on 8 June 2012).

England and Wales: The report indicates that the Coercive or Controlling Behaviour Offence (as part of the Serious Crime Act in 2015) was introduced. Victims who experience the type of behaviour that stops short of serious physical violence, but amounts to extreme psychological and emotional abuse, can bring their perpetrators to justice. It is reported that since the introduction of the offence, there have been 294 successful convictions and the number of cases has increased from 155 in December 2016 to 468 in December 2017 (by 300%). In 2017 the Prime Minister introduced a new programme of work that would result in a draft Domestic Abuse Bill. The Committee asks for information in the next report on any developments regarding the Domestic Abuse Bill.

The Committee takes note of the adoption of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015. A National Strategy to help fulfil the purposes of the Act was published in November 2016 and a National Training Framework on violence against women, domestic abuse and sexual violence was introduced for training on these subjects across the public service and specialist third sector to ensure a consistent standard of care for those who experience violence against women, domestic abuse and sexual violence.

Scotland: The Committee takes note of the information in the report on the measures taken in Scotland such as the national strategy “Equally Safe” published in November 2017 aimed to tackle all forms of violence against women and girls. It also takes note that additional funding was allocated to Rape Crisis Scotland to develop a campaign to increase public understanding of responses to rape; and additional funding has been allocated over 2017-

2020 for direct provision for front line domestic abuse and sexual assault services, as well as funding for the National Domestic Abuse, Forced Marriage and Rape Crisis Helplines.

The report states that Police Scotland has established a National Domestic Abuse Taskforce to target the most prolific perpetrators. The Scottish Government has provided funding, through the Scottish Legal Aid Board (SLAB), to support the Scottish Women's Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline. It is reported that there were 58,810 incidents of domestic abuse recorded by the police in Scotland in 2016-2017, an increase of 1% from 2015-2016. Criminal Proceedings statistics show that there were 10 830 convictions for an offence that was aggravated by domestic abuse in Scotland's courts in 2016-2017. The report indicates that there were 477 refuge spaces in Scotland for women and their children affected by domestic abuse at the time of the report.

The report indicates that the Behaviour and Sexual Harm (Scotland) Act 2016, which came into force on 24 April 2017, introduced a series of amendments such as a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders and the power for courts to make non-harassment orders in cases where they could not do so before. The Committee also takes note of the adoption of Domestic Abuse (Scotland) Act 2018 (outside the reference period) which introduced a new offence criminalising a course of abusive behaviour towards a partner or ex-partner, including psychological harm, that can constitute domestic abuse.

Northern Ireland: The Committee takes note of the information on the measures taken to tackle domestic violence such as: the "Stopping Domestic and Sexual Violence and Abuse Strategy" with its action plans published in 2016, Multi-Agency Risk Assessment Conferences held across the country between January 2010 and December 2017, the Victim Charter, as well as the 24-hour Domestic and Sexual Violence Helpline. The latter helpline managed 29 657 calls during 2016/2017, 93% from women and 7% from men who identified as victims of domestic violence. It is reported that approximately three hundred of the calls were from black and ethnic minority and Traveller women.

The report further provides information on a Domestic Violence and Abuse Disclosure Scheme (DVADS) introduced across Northern Ireland on 26 March 2018 (outside the reference period) for individuals aged 16 years and over in order to enable a potential victim, or a third party who knows them and has concerns, to receive information on a partner's history of abusive behaviour, as well as a Domestic Violence Perpetrator Programme pilot launched in early 2018.

The Committee notes that the United Nations Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding observations on the eighth periodic report of the United Kingdom and Northern Ireland (14 March 2019) expressed concern about certain shortcomings such as: lack of uniform protection of women and girls from all forms of gender-based violence across the jurisdiction of the State party, noting with particular concern the inadequacy of laws and policies to protect women in Northern Ireland. It also expressed concern that asylum-seeking women, migrants and women with insecure immigration status who experience gender-based violence, including domestic violence and rape, refrain from seeking protection and support services for fear of having their immigration status reported to authorities; that women with disabilities face challenges in gaining access to justice and seeking protection for gender-based violence, in particular when violence is perpetrated by their caregivers (see paragraphs 29 and 30 of Concluding observations).

The Committee asks that the next report provide comprehensive and updated information on all actions and measures taken in this field (concerning prevention, protection, prosecution, integrated policies), on the implementation of legislation/measures and their impact in preventing and reducing domestic violence in the United Kingdom.

Social and economic protection of families

Family counselling services

The Committee took note previously of the family counselling services available in England (Conclusions XIX-4 (2011)) as well as in Wales, Scotland and Northern Ireland (Conclusions XX-4 (2015)). It asks for updated information in the next report on family counselling services available throughout the United Kingdom.

Childcare facilities

The Committee recalls that States must ensure that affordable, good quality childcare facilities are available, with quality defined in terms of the number of children under the age of six covered, staff to child ratios, staff qualifications, suitability of the premises used and the size of the financial contribution parents are asked to make (Conclusions XVII-1 (2004), Turkey).

England and Wales: The report provides information on measures taken in order to provide childcare support to parents such as: 15 hours of free childcare a week for 3 and 4 years old, 30 hours of free childcare a week for working parents of 3 and 4 years old, 15 hours of free childcare a week for disadvantaged 2 years olds, tax credits to help with up to 70% of childcare costs through Universal Credit available to working families with low income (in England, Scotland and Wales), Tax-Free Childcare etc. Data provided in the report show that since September 2013, nearly three quarters of a million of the country's most disadvantaged two-year-olds have benefitted from the entitlement to 15 hours of free early education a week.

The report indicates that in Wales the childcare offer consists in 30 hours of government-funded early education and childcare for working parents of three and four year olds for 48 weeks of the year. The childcare offer has been delivered within seven local authorities across Wales since September 2017 and there is an agreed programme of expansion so that the offer will be available across the whole of Wales by September 2020. The report adds that parents in Wales who pay for formal childcare are also able to access schemes administered by the United Kingdom government to support parents with their childcare costs, such as Tax-Free Childcare; Tax Credits; Universal Credit; and Childcare vouchers.

Scotland: The Committee takes note of the information regarding childcare in Scotland in particular in respect to "early learning and childcare" (ELC). The Children and Young People (Scotland) Act 2014 increased the amount of funded hours from 475 hours per year to up to 600 hours of childcare; and included 2 year olds for the first time. Local authorities have the duty to provide access to funded ELC for all 'eligible children' in their area. Data indicate that on 31 March 2017 there were 4 524 providers registered with the 5 Health & Social Care Trusts supporting 60 903 registered places for day care. To ensure continued and enhanced quality within early years provision, the five Health and Social Care Trusts (Trusts) Early Years Teams register and inspect childminding and day care provision against minimum standards set by The Department of Health.

The Committee notes that the report provides information mainly on the childcare support and financial assistance awarded to families such as universal credit or tax credits. The Committee requests that the next report provides information on the available child care facilities in all entities in UK, namely the types of facilities, coverage with respect to the number of children aged 0-6, ratio of staff to children, staff training/qualifications, suitable premises. Meanwhile, it reserves its position on this point.

Family benefits

Equal access to family benefits

In its previous conclusion (Conclusions XX-4 (2015)) the Committee considered that the situation was in conformity with the Charter as regards equal treatment of nationals of States

Parties lawfully resident in the UK. The Committee notes from MISSOC in this regard that the claimant must be present, ordinarily resident and have a right to reside in the UK. Claimant's immigration status is not subject to any limitation or condition. In its previous conclusion the Committee noted from the report that since 1 July 2014, persons who have entered the UK and are unemployed need to have lived in the UK for three months before they could claim Child Benefit or Child Tax Credit, although there are exceptions to this rule. The Committee asks whether there have been any changes to these rules.

Level of family benefits

As regards the adequacy of family benefits, in its previous conclusion (Conclusions XX-4 (2015)) the Committee asked what was the percentage of families who received the child benefit. The report states in this respect that the United Kingdom Child Benefit is payable at the rate of £20.70 per week for the first child and £13.70 (per child) for additional children. The estimated Child Benefit take-up rate for the period 2015-16 is 94%.

The Committee notes from MISSOC that the following amounts are paid:

- Eldest qualifying child of a couple: £89.70 (€101) per month;
- Each other child: £59.36 (€67) per month.

As regards Child Tax Credit:

- Family element: £45.42 (€51) per month;
- Child element: £231.66 (€261) per month (limited to 2 children after 6 April 2017);
- Disabled child element: £ 261.66 (€295) per month;
- Severely disabled child: £106.25 (€120) per month.

The Committee notes from MISSOC that a tax credit award is calculated by adding together the various elements that a claimant is entitled to, based on current circumstances.

The Committee notes from Eurostat that the median equivalised income in the UK stood at € 1,750 in 2017. The Committee observes that the amount of child benefit has not changed since the year 2009 (Conclusions XIX-4 (2011)). The Committee notes that the child benefit for the eldest child constituted 5.7% of the median equivalised income in 2017. However, it constituted only 3.8% for each additional children.

The Committee recalls that in order to comply with Article 16, child allowance must constitute an adequate income supplement, which is the case when they represent a significant percentage of the median equivalised income. The Committee notes with concern that the amount of the child benefit has remained the same since the year 2009 (Conclusions XIX-4 (2011)) and has therefore declined in proportion to the median income, in particular in relation to the second and subsequent children (3.8%).

The Committee notes the benefit cap was introduced in 2013. It notes that there is much evidence that such a cap has had a significant impact on the income of a substantial number of families, in particular families with more than three children and lone parents (House of Commons, Work and Pensions Committee, "The benefit cap", Twenty-Fourth Report of Session 2017-19, 12 March 2019). In addition, according to the Child Poverty Action Group, child benefit will have lost 23% of its real value between 2010 and 2020, due to sub-inflationary uprating and the current freeze.

With a view to assessing whether child benefit represents an adequate income supplement for a significant number of families, the Committee asks the next report to provide comprehensive information on the child benefit system and the impact of the benefit cap on child benefits as well as information on the real value of child benefits. In the meantime, the Committee reserves its position as regards the adequacy of family benefits.

Measures in favour of vulnerable families

As regards **England**, the Committee takes note of the Troubled Families Programme (2015-2020) which aims to achieve significant and sustained improvement for up to 400 000 families in England with multiple high-cost problems by 2020. The programme is driving better ways of working around complex families – improving outcomes for individuals in those families, reducing their dependency on services, and delivering better value for taxpayers. The Welfare Reform and Work Act 2016 requires the Secretary of State for Communities and Local Government to report annually to Parliament on the progress of the Troubled Families programme. To be eligible for the Troubled Families Programme, each family must include dependent children and have at least two of the following six headline problems:

- Parents or children involved in crime or anti-social behaviour;
- Children who have not been attending school regularly;
- Children who need help: children of all ages who need help, are identified as in need or are subject to a Child Protection Plan;
- Adults out of work or at risk of financial exclusion or young people at risk of worklessness;
- Families affected by violence against women and girls;
- Parents or children with a range of health problems.

According to the report, the outcomes shown in the emerging evaluation results for families who joined the programme between September 2014 and December 2016 are encouraging, particularly in reducing demand for high cost children's social care services. In families on the programme in the 612 months after intervention, the proportion of children designated as Children In Need decreases by 14% when compared to the period just before the start of intervention. As of Autumn 2017, more than 270 000 of the families who most need help were worked with as part of the programme. More than 75 000 families had achieved significant and sustained progress on all of the problems identified, and in almost 12 200 of these families, one or more adults had succeeded in moving into continuous employment.

As regards **Scotland**, in order to set out a clear agenda for tackling, reporting on and measuring child poverty, Scottish Ministers brought forward their own legislation, the Child Poverty (Scotland) Act 2017, which: sets out four statutory income targets; places a duty on Scottish Ministers to publish child poverty delivery plans in 2018, 2022 and 2026, and to report on those plans annually; places a duty on local authorities and health boards to report annually on activity they are taking to reduce child poverty; establishes a statutory Poverty and Inequality Commission from 1 July 2019.

The Act requires the Scottish Government to reduce the number of children who live in poverty. By 2030, the following targets must be met:

- fewer than 10% of children living in families in relative poverty;
- fewer than 5% of children living in families in absolute poverty;
- fewer than 5% of children living in families in combined low income and material deprivation;
- fewer than 5% of children living in families in persistent poverty;

The first progress report due under the Act will be published by June 2019. The Committee wishes to be kept informed.

The Committee also asks what measures are taken to support vulnerable families and single-parent families in England, Scotland, Wales and Northern Ireland.

Housing for families

In its previous conclusions (Conclusions XVIII-1 (2006), XIX-4 (2011), XX-4 (2015)), the Committee considered that the right of Gypsy/Traveller families to housing was not effectively guaranteed (only in respect of England in Conclusions XX-4 (2015)).

The report states that social housing is prioritised for those in housing need by virtue of the statutory “reasonable preference” categories. These ensure that priority is given to people who are: homeless; families in overcrowded or unsatisfactory housing conditions; people with medical and welfare needs, and people who would otherwise suffer hardship. This applies equally to Gypsy, Roma and Traveller communities as it does to anyone else.

With regard to the provision of sites for Gypsy and Traveller communities, the report stresses that under the 2015-18 Affordable Homes Programme allocations were agreed for 68 new pitches with £ 4.9 million funding. In addition, the Government funded training to support councillors with their leadership role around Traveller site provision, including advice on dealing with the controversy that can sometimes accompany planning applications for Traveller sites. The Committee also notes from the report that a joint Ministry of Housing, Communities and Local Government (MHCLG), Home Office and Ministry of Justice consultation was launched on the effectiveness of existing powers to address unauthorised sites. In this connection, it notes that a more recent consultation (2019, outside the reference period) has been launched on measures to criminalise trespassing when setting up an unauthorised encampment in England and Wales. The Committee asks the next report to provide information on the results of both consultations and on any legislative or other reforms proposed in this field.

The Committee notes from the latest ECRI report on the United Kingdom (29 June 2016, §§ 96-98) that in August 2015 the Government issued a new Planning Policy for Traveller Sites in England, which replaced the previous policy of 2012. According to ECRI, a controversial aspect of this was that if Gypsies or Travellers stopped travelling permanently due to ill-health or old age, they would no longer be within the planning definition of Gypsy and Traveller (see also in this regard the United Nations Committee on the Elimination of Racial Discrimination, concluding observations on the twenty-first to twenty-third periodic reports of the United Kingdom, 18 August 2016, § 24). ECRI therefore recommended that the new planning definition in England of Gypsy and Traveller were replaced by the previous one of 2012, that sufficient pitches were provided according to the needs of these communities, and that alternatives to eviction were promoted. Similarly, the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities, in its Fourth Opinion on the United Kingdom adopted on 25 May 2016 (§§ 10 and 61-65), expressed concerns about access to and provision of adequate sites for Gypsies and Travellers. The Committee notes from this opinion that according to the latest bi-annual count of traveller caravans in July 2015, there were 21 084 such caravans, of which 85% were on authorised sites and 15% (about 3 000) on unauthorised sites due to a shortage of authorised sites nationwide. In the same vein, the United Nations Committee on Economic, Social and Cultural Rights, in its concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland (24 June 2016, §§ 49-50), was concerned by the fact that Gypsies and Travellers continued to face barriers in accessing adequate and culturally appropriate accommodation. The Committee therefore urged the United Kingdom to ensure adequate access to such accommodation and stopping sites for these communities.

The Committee accordingly asks the next report to provide more detailed and updated information on the current Planning Policy for Traveller Sites and on the overall number of available authorised sites for Gypsies/Travellers in **England**, also in the light of the abovementioned findings and recommendations of different monitoring bodies. In the meantime, it reserves its position on this issue .

In order to assess whether the situation is in conformity with Article 16 as regards access to adequate housing for families, the Committee asks the next report to provide up-to-date information on housing policies for families in **England** and **Northern Ireland**, including figures on the overall availability (demand and supply) of social housing and other types of housing support (housing allowances). On this point, should the report fail to provide the

requested information, there would be nothing to establish that the situation is in conformity with Article 16.

In this regard, the Committee notes from the United Nations Committee on Economic, Social and Cultural Rights concluding observations of 2016 (ibid. § 49), that the lack of social housing forced households to move into the private rental sector, which was not adequate in terms of affordability, habitability, accessibility and security of tenure. According to the same body, there was a significant rise in homelessness, particularly in England and Northern Ireland, affecting mainly single persons, families with children, victims of domestic violence, and persons with disabilities (§ 51). The Committee notes from another source that homelessness among vulnerable groups in England has increased by 75% since 2010, and that the number of families with dependent children in temporary accommodation has also increased from 22 950 to 40 130 (+75%) (FEANTSA and Abbé Pierre Foundation, Third Overview of Housing Exclusion in Europe 2018, p. 78). In England, in 2017/18, of those accepted as homeless and owed a main duty under the legislation, 64% of households were families with children (European Social Policy Network (ESPN), « National strategies to fight homelessness and housing exclusion: United Kingdom », 2019, p. 14 et 17). The Committee asks that the next report provide information on the implementation of the Homelessness Reduction Act of 2017 and its practical impact on the prevention of family homelessness in England.

The Committee further notes that during the reference period (14 June 2017), a fire broke in a 24-storey tower block of flats in Kensington, London (Grenfell Tower), causing 72 deaths and more than 70 injured. The Committee asks that the next report provide information on the steps taken to support those affected by the fire. In this regard, the Committee notes the ongoing Public Inquiry into the fire at Grenfell Tower on 14 June 2017. The Committee asks the next report to provide updated information on the outcome of this inquiry and on the measures taken to respond to its recommendations, as well as steps taken across the United Kingdom to improve, ensure and monitor the adequacy and safety of residential buildings of this nature, whether publicly or privately owned. In the interim, the Committee reserves its position as to whether the situation in the United Kingdom is in conformity with Article 16 with regard to, first, the position of the residents of such buildings and, second, the measures taken to address the needs of the families affected by the fire.

The Committee takes note of several developments and measures in **Wales**:

- The launching in November 2015 of Part 1 of the Housing (Wales) Act 2014, or “Rent Smart Wales”, which ensures that all tenants live in a property which is let and managed by someone who has a licence. To obtain a licence involves training, abiding by a mandatory Code of Practice, and successful completion of a Fit and Proper Person Test;
- The entry into force of the Homelessness Provisions (Part 2 of the Housing (Wales) Act 2014) in April 2015. The Welsh Government placed a duty on local authorities to help an individual to prevent his/her homelessness, and a duty on the authority to help to secure housing for all people who require assistance;
- The Housing (Wales) Act 2014 also places a duty on local authorities to periodically assess the accommodation needs of Gypsies and Travellers. All local authorities now have Gypsy and Traveller Accommodation Assessments (GTAA) approved by the Welsh Government, which indicated a need for 237 residential and 33 transit pitches across Wales by 2020. The Committee asks for information in the next report on whether these needs have been met.
- Since the adoption of the Housing (Wales) Act in 2014, the Welsh Government has funded 77 new pitches for Gypsies and Travellers.
- The Gypsy and Traveller Sites Capital Grant is intended to improve the quality of life by improving existing facilities provided on sites, the provision of new facilities on existing sites and the provision of new sites. This grant is available for developments which will commence during the year 2018-2019 and conclude by

31 March 2020. The Committee asks for information in the next report on the allocation and implementation of these grants.

- The number of social housing dwellings compliant with the Welsh Housing Quality Standards continues to increase. At 31 March 2017, 86% of social housing dwellings were compliant with these standards compared to 79% a year earlier (compare with the figures provided in Conclusions XX-4 (2015)).

The Committee further notes from another source that Welsh authorities have recently proposed to integrate the right to adequate housing into the Local Government and Elections (Wales) Bill. It therefore asks that the next report provide information on the adoption of this proposal and if adopted, on its content, particularly on the type of legal remedies that it will provide for.

The Committee takes note of the following developments in respect of **Scotland**:

- Between January 2014 and December 2017, a total of 27 617 affordable homes were delivered, including 16 656 homes for social rent. Over the current target period (up to 2020-21) more than £3 billion is being invested to deliver at least 50 000 affordable homes, which means a 76% increase on the previous five-year investment;
- Social housing provisions in the Housing (Scotland) Act 2014 will come into force in 2019. They will provide further protection for tenants with short secure tenancies;
- The Scottish Social Housing Charter was revised in 2016. The Charter sets minimum condition and energy efficient standards for social housing;
- The Housing (Scotland) Act 2006, which sets minimum standards for private rented housing, was amended by the Housing (Scotland) Act 2014. Additional elements have been added to make homes safer and to make standards consistent across private and social rented housing;
- The Private Housing (Tenancies) (Scotland) Act 2016 introduced the new Private Residential Tenancy (PRT), aimed at improving security, stability and predictability for tenants, balanced with safeguards for landlords;
- In the field of homelessness, the Scottish Government introduced a cap of one week (reduced from 14 days) for families and pregnant women living in temporary accommodation from October 2017;
- With regard to Gypsies and Travellers, the Scottish Government updated the Housing Need and Demand Assessments Guidance in 2018, to make sure that the needs of Gypsies/Travellers are considered by local authorities. It also published in 2015 a guide on Improving Gypsy/Traveller Sites, setting out minimum standards for sites (which had to be met by June 2018) as well as a core set of rights and responsibilities of site tenants. The Committee asks for information in the next report on whether the existing sites have met all the minimum standards or on the progress made so far.

The Committee also takes note of the information provided in the report in respect of the **Isle of Man**, particularly as regards the setting of a target on provision of affordable housing in private sector developments.

Finally, the Committee takes note from the report (under Article 19) that those granted refugee status or humanitarian protection may access social housing or housing assistance. In Scotland, the Refugee Integration Service helps recently recognised refugees to access accommodation. Referring to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015), the Committee asks for information in the next report on the housing situation of refugee families across the United Kingdom.

Participation of associations representing families

The report states that mechanisms for enabling the participation of associations representing parents are present throughout policy making processes in the United Kingdom. It further indicates that central guidelines for policy making require that the policy making process involves consultation with relevant stakeholders. Where these stakeholders are parents, the government will reach out to parents and their representatives, including associations. The Committee asks for concrete examples of such consultations with associations representing families/parents in the next report. It concludes that the situation is in conformity with the 1961 Charter on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 17 - Right of mothers and children to social and economic protection

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The legal status of the child

The Committee has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare.

According to EUROSTAT in 2015 there were 6,395 first time asylum applications in the EU by children recorded as stateless and 7,620 by children with an unknown nationality. This figure only concerns EU states and does not include children born stateless in Europe, nor those who have not applied for asylum. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals

The Committee asks what measures have been taken by the State to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures for obtaining nationality, and taking measures to identify children unregistered at birth).

The Committee asks further what measures have been taken to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation.

The Committee asks that the next report provide information on the impact on children's rights of the United Kingdom's scheduled withdrawal from the European Union. This should include information on the impact of Brexit on the residency rights and rights to access Charter rights-related institutions and services of children who are both nationals of States Parties to the Charter and European Union nationals but not UK nationals.

Protection from ill-treatment and abuse

In its previous conclusion (Conclusions XX-4, 2015) the Committee found that the situation was not in conformity with the Charter as not all forms of corporal punishment were explicitly prohibited in the home.

According to the report there has been no change to the situation. The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity on the ground that not all forms of corporal punishment of children are prohibited in the home.

However the Committee notes that the report states that the Welsh Government has announced plans to remove the 'reasonable chastisement' defence. Legislation is intended between Sept 2018 and July 2019. If passed, this legislation will prohibit the physical punishment of children by parents and those acting in *loco parentis* within Wales.

In Scotland, the Children (Equal Protection from Assault) (Scotland) Act 2019 was adopted by the Scottish Parliament in October 2019 (outside the reference period). This removes the common law defence of "reasonable chastisement".

The Committee asks to be kept informed of all developments in the situation.

Rights of children in public care

The Committee previously asked whether children could be taken into care solely on the basis of inadequate resources of parents (Conclusions XX-4, 2015).

As regards England, the Committee notes that the report is unclear on this issue and states that the assessment of a child would consider what action is required to safeguard and promote the welfare of a child who is suspected of or likely to be suffering significant harm.

The Committee notes that under the [Children Act 1989](#) a council can apply for a care order if it believes a child is suffering or at risk of suffering significant harm.

In respect of Scotland the report states that in Scotland there are two different ways a local authority can ask to remove a child from its family. If the child is in immediate danger the local authority can ask a Sheriff Court to grant a child protection order (CPO). Otherwise the local authority can refer the case to a children's reporter, who will decide if it is necessary to refer a child to a children's hearing for compulsory measures of supervision, which may include supervision at home, or away from home.

The Scottish Children's Reporter Administration publishes statistics on reasons for referral to a children's hearing. "Inadequate parental resources" is not recorded as a reason for any referrals. The Scottish Government does not collect information on the specific reasons for each case.

As regards Wales the report states that in all cases the welfare and best interests of the child is the overriding priority. In practice this means that in Wales children are not taken into care solely because of the inadequate resources of their parents. In cases where families are struggling to bring up their children on a very low income support is offered by local authorities and other agencies.

Likewise the report states that in the Isle of Man children would not be taken into care solely on the grounds of the parents lack of resources, support and resources would be offered to a family first.

The Committee recalls its case law that inadequate financial resources or material conditions should not be the sole reason for the placement of a child outside their home (Conclusions 2011, Statement of Interpretation). It further notes the case-law of the European Court of Human Rights on Article 8 of the European Convention on Human Rights (domestically incorporated by means of the Human Rights Act 1998) would suggest strongly that the removal of children on this ground alone would be unlawful. The Committee notes however that the report does not suggest that it would be impossible for the child to be taken into care solely on the basis of inadequate resources of the parents in England or Scotland. On that basis, it asks for further information on guarantees, (guidelines or case law) that a child cannot be taken into care solely on the grounds of the financial situation of the parents in England, Scotland or Northern Ireland.

The report provides information on the number of children in care in Northern Ireland and Scotland, no corresponding information is provided in respect of England and Wales. However the Committee notes from other sources [\[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664995/SFR50_2017-Children_looked_after_in_England.pdf\]](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/664995/SFR50_2017-Children_looked_after_in_England.pdf) that in 2017 the numbers of looked after children in England continued to increase. At 31 March 2017 there were 72,670 looked after children in England, an increase of 2,220 on 2016, and an increase of 4,600 on 2013. Most looked after children are accommodated in foster placements. 74% of children looked after at 31 March 2017 were in foster placements,

As regards Northern Ireland the number of children in care has remained stable over the reference period however the proportion of children looked after in residential care has decreased from 7% to 5%.

In Scotland the majority of children in care are looked after in foster care or in kinship care with the minority being placed in residential care.

The Committee asks the next report to provide details of the number of children in the care of the state for all parts of the United Kingdom, as well as the number in foster care, residential care etc.

The Committee notes that many children's homes are run by private providers, and many foster families in England are recruited by private agencies. The Committee asks what mechanisms are in place to ensure appropriate care of adequate quality.

Children in conflict with the law

In its previous conclusion the Committee found that the age of criminal responsibility was too low and therefore, the situation was not in conformity with the Charter (Conclusions XX-4, 2015).

It recalls that in England, Wales and Northern Ireland the minimum age of criminal responsibility is 10 years old.

In Scotland children under the age of eight are presumed conclusively not to be guilty of any offence. Children under the age of 12 (but aged eight and over) cannot be prosecuted, but their offending behaviour can be dealt with through the children's hearings system in certain cases. Children between the ages of 12 and 15 can be prosecuted if the offence is sufficiently serious (e.g. murder, rape) .

Following public consultation in March-June 2016, the Scottish Government's 2017-18 Programme for Government contained a commitment to introduce a Bill to raise the age of criminal responsibility to 12. The Committee recalls that the age of criminal responsibility should not be too low and in any event it should not be lower than 14 years.

The Committee asks to be kept informed of all developments in this respect.

However the Committee notes that the situation which it has previously found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity.

The Committee previously asked to be informed of the average length of remand for young offenders after the entry into force of the new youth remand framework in England and Wales (Conclusions XX-4, 2015). The Committee recalls that the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act of 2012 introduced a new youth remand framework. Remands are a last resort. All 10 to 17 year- olds are treated as children for the purposes of remand by the criminal courts in England and Wales.

According to the report since reforms to the system the number of custodial remands in England and Wales has been reduced by 66%.

The Committee recalls that children who are accused of committing a criminal offence may be remanded to local authority accommodation or if specific conditions are met to youth detention.

The Committee recalls that the maximum length of detention on remand is 182 days but that this may be extended. The Committee asks whether there is an absolute maximum length of detention on remand. It also asks whether the situation is identical when a child is remanded to local authority accommodation.

The Committee recalls that the Sentencing Council's guidelines for sentencing Children and Young Persons (overarching principles) provide that young people under 18 may not be sentenced to custody except as a last resort and then only for the shortest appropriate period.

The Committee notes that where a child is convicted of certain defined serious criminal offences he/she may be sentenced as an adult (Detention under Powers of Criminal Courts (Sentencing) Act 2000, s. 91). Where a person aged under 18 is convicted of murder, they must be sentenced to detention at Her Majesty's Pleasure. The Committee recalls that sentencing children to periods of detention must be a measure of last resort, for the shortest time possible and subject to regular review. It asks whether, where custodial sentences are imposed on children, they are regularly reviewed.

Children and young people sentenced to custody in England and Wales can currently be sent to three types of establishment; Young Offenders Institutions some run by private companies, Secure Training Centres run by private companies, local authority secure children's homes. The latest official data shows there were 727 children detained in young offender institutions and secure training centres in April 2019 in England and Wales.

The Committee notes from other sources [Article 39-Fighting for Children's Rights in Institutional Settings] that the Youth Custody Improvement Board (February 2017) Findings and Recommendations of the Youth Custody Improvement Board] conceded that these institutions were not fit for purpose. In 2016 the UK Government admitted that prisons cannot be made fit for children and agreed that young offender institutions and secure training centres should be phased out. However no timetable has followed.

Furthermore there have been a number of reports that have documented a high degree of abuse in these institutions [Charlie Taylor Review of the Youth Justice system, IICSA (February 2019) Sexual abuse of children in custodial institutions: 2009-2017 investigation report].

The Committee therefore asks what measures have been taken to phase out young offender institutions and secure training centres and transfer children to local authority run secure children homes, or secure training schools. The Committee asks what additional measures have been taken to ensure that children in young offender institutions and secure training centres are adequately protected against abuse.

Further the Committee notes that at the end of February 2019, (outside the reference period) the Independent Inquiry into Child Sexual Abuse reported that "the use of pain compliance techniques [...] should be seen as a form of child abuse, and that it is likely to contribute to a culture of violence, which may increase the risk of child sexual abuse "It recommended the prohibition by law of pain-inducing restraint. The UN Committee Against Torture, the European Committee for the Prevention of Torture, the UN Committee on the Rights of the Child, have all stated their opposition to pain inducing restraint. As far back as 2009 the CPT recommended that the United Kingdom authorities discontinue the use in juvenile establishments of manual restraint based upon pain compliant methods [CPT/Inf (2009) 30].

The Committee asks what measures have been taken to abolish pain inducing restraint. The Committee concludes that the situation is not in conformity with Article 17 as regards the treatment of children in detention.

The Committee notes that children may be held in solitary confinement and asks under what circumstance children may be placed in solitary confinement, and what is the maximum duration of solitary confinement.

According to the report in Northern Ireland the number of children being diverted from the criminal justice system has increased during the reference period, youth court disposals decreased by 54% between 2011 and 2016. Likewise in Scotland the report states that the number of children being prosecuted has fallen. The number of children in custody decreased substantially, the number of children in a young offenders institution was 59 in December 2017 and the average number in secure accommodation in 2015-2016 in Northern Ireland was 85.

In Scotland the average number of children in Young Offenders institutions was 59 (2014-2017), the corresponding figure for those in secure accommodation was 85.

Right to assistance

Article 17 guarantees the right of children, including children in an irregular situation and non-accompanied minors to care and assistance, including medical assistance and appropriate accommodation [International Federation of Human Rights Leagues (FIDH) v. France, Complaint No 14/2003, Decision on the merits of September 2004, § 36, Defence

for Children International (DCI) v. the Netherlands, Complaint No. 47/2008, Decision on the merits of 20 October 2009, §§70-71, European Federation of National Organisations working with the Homeless (FEANTSA) v, Netherlands, Complaint No.86/2012, Decision on the merits of 2 July 2014, §50].

The Committee previously noted that children in an irregular situation have access to humanitarian assistance, including shelter and medical care (Conclusions 2015). The Committee further noted that in England, and Wales local authorities have a statutory duty to safeguard and promote the welfare of all children regardless of their immigration status or nationality. Unaccompanied asylum seekers and migrant children have the same status and benefits as children in care and have access to an independent advocate who can represent their views.

The Committee requests further information on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse and ensure that unaccompanied children do not go missing. It notes from other sources [ECPAT Heading back to harm a study on trafficked and unaccompanied children going missing from care in the UK-EPACT UK and Missing People] that, from September 2014 to September 2015 (partly outside the reference period), 28% of trafficked children (167 children) in care and 13% of unaccompanied children (593 children) in care went missing at least once. Of these, 207 missing trafficked or unaccompanied children had not been found. However the research estimated that the number was far higher.

The Committee considers that the detention of children on the basis of their or their parents' immigration status is contrary to the best interests of the child. Likewise unaccompanied minors should not be deprived of their liberty and detention cannot be justified solely on the basis of the child being unaccompanied or separated. Nor can it be justified solely on the basis of their migratory or residence status (or lack thereof).

The Committee notes from other sources [The Migration Observatory at the University of Oxford] that in 2018 (outside the reference period) 63 children were detained for immigration purposes (down from around 1,100 in 2009).

The Committee requests further information on measures taken to find alternative to detention for asylum seeking families, to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored.

As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable [European Committee for Home Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, Decision on the merits of 24 January 2018, §113]. The Committee asks whether the United Kingdom uses bone testing to assess age and, if so, in what situations the state does so. Should the State use such testing, the Committee asks what are the potential consequences of such testing (e.g., can the results of such a test serve as the sole basis for children being excluded from the child protection system?).

Child poverty

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of State Parties efforts to ensure the right of children and young persons to social, legal and economic protection. The obligation of states to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels into account when considering the State Parties obligations in terms of Article 17 of the Charter

The Committee notes that the rates of child poverty in the UK are relatively high; according to other sources there were 4.1 million children living in poverty in the UK in 2017-18 amounting to 30% cent of children [Statistics on the number and percentage of people living in low income households for financial years 1994/95 to 2017/18, Tables 4a and 4b Department for Work and Pensions, 2019.].

According to EUROSTAT in 2017 27.4% of children were at risk of poverty of social exclusion, above the EU average of 24.9%.

The Committee notes from other sources [Institute for Fiscal Studies, Living Standards, Poverty and Inequality in the UK: 2017-2018 to 2021-2022] that absolute child poverty and relative child poverty are projected to rise between 2015-2021, primarily due to the impact of planned tax and benefit reforms.

The Committee also notes with concern the increase in the reliance of food banks in the UK as this is evidence of material deprivation. For example the Committee notes from other sources [<https://www.trusselltrust.org/>]that between 1st April 2016 and 31st March 2017, The Trussell Trust's Foodbank Network provided 1,182,954 three day emergency food supplies to people in crisis. Of this number, 436,938 went to children. The Committee further notes that Trussell Trust figures cannot be used to fully demonstrate the scale of the food poverty across the UK, because their figures only relate to Trussell Trust foodbanks and not to very many of other independent food aid providers.

The Committee asks the next report to provide information on rates of child poverty as well as on measures adopted to reduce child poverty; including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.

States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 17 of the 1961 Charter on the ground that:

- not all forms of corporal punishment are prohibited in all settings;
- the ages of criminal responsibility across the different entities of the UK are too low;
- pain inducing restraint techniques are used in Young Offender Institutions.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Migration trends

The Committee has assessed migration trends in the UK in its previous conclusion (see for a detailed description [Conclusions XX-4 \(2015\)](#)). The report does not indicate any changes to the situation.

The Committee asks the next report for an up-to-date description on the developments in the migration trends.

Policy and the legal framework

The Committee notes that it has previously assessed the policy and legal framework relating to migration matters (see Conclusions XIX-4 (2011)). The report explains that there were no substantial changes to the situation found by the Committee to be in conformity with the 1961 Charter, apart from annual inflationary updates to salary thresholds, and minor changes to what could be counted towards the family route income threshold with respect to settlement applications.

The report further provides that Modern Slavery Act 2015 was introduced and gave law enforcement agencies the tools to tackle modern slavery to give protection to overseas domestic workers. The Act established the Independent Anti-Slavery Commissioner and a duty on public authorities to notify the Home Office when they come across potential victims, and requiring certain businesses to report how they are eradicating modern slavery from their organisation and their supply chains. Similarly, within Scotland and Northern Ireland the legal framework is the Human Trafficking and Exploitation Act 2015.

In reply to the Committee's question about the amendments to the Immigration Act (2016), the report explains that has been used to extend the remit and strengthen the powers of the Gangmasters Licensing Authority (GLAA), to prevent, detect and investigate worker exploitation across the entire economy in support of the new Director of Labour Market Enforcement annual strategy. In 2017/18, the GLAA conducted over 100 operations.

The Committee asks that the next report provide up-to-date information on any new or continued policy initiatives. Meanwhile, it considers that the situation is in conformity with the Charter in this respect.

Free services and information for migrant workers

The Committee recalls that this provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate (Conclusions I (1969), Statement of Interpretation on Article 19§1). Information should be reliable and objective, and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination (such as vocational guidance and training, social security, trade union membership, housing, social services, education and health) (Conclusions III (1973), Cyprus).

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres (Conclusions 2015, Armenia).

The Committee has found the free services and information for migrant workers in the UK (including helpline services, information provided by the Visa and Immigration Department and information packs available in public spaces such as libraries) to be in conformity with the 1961 Charter ([Conclusions XX-4 \(2015\)](#)). In reply to the Committee's detailed question about languages in which the information is provided, the report further specifies that there is coverage for the more widely spoken local foreign languages and that Visa and Immigration Department's websites are in English and local languages. Visa Application Centres provide coverage for English and local languages and provide support assisting with form filling, explanation. Furthermore, Local Authorities provide relevant information and advice, as do Citizens Advice Bureaux in mostly spoken languages. Public offices (immigration reporting centres and public caller units, visa processing offices and Embassies and High Commissions abroad) also provide a range of leaflets in numerous languages.

The Committee considers that the situation is in conformity with the Charter on this point.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that measures taken by the government should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions XIV-1 (1998), Greece).

The Committee considers that in order to be effective, action against misleading propaganda should include legal and practical measures to tackle racism and xenophobia, as well as women trafficking. Such measures, which should be aimed at the whole population, are necessary inter alia to counter the spread of stereotyped assumptions that migrants are inclined to crime, violence, drug abuse or disease (Conclusion XV-1 (2000), Austria).

The Committee recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views.

The Committee recalls that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere.

In its previous conclusion, the Committee asked what monitoring systems existed to ensure the implementation of anti-discrimination regulations and what actions were taken to combat discrimination, xenophobia and racism.

The report provides extensive information on a range of measures in this respect, taken in the UK, Scotland, Isle of Man and Northern Ireland. In particular:

The Race Equality Framework for Scotland 2016-2030 was developed to advance race equality and address the barriers that prevent people from minority ethnic communities realising their potential. The Scottish Government appointed an independent Race Equality Framework Adviser to champion race equality and help drive implementation. Furthermore, in 2017 it accepted the recommendation of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion to consolidate all Scottish hate crime legislation into one new hate crime statute. Police Scotland's training has been reviewed to ensure that human rights, organisational values and the Code of Ethics must be considered in the design specification of every course. New recruits receive training on the ethics and values, as well as on both the European Convention on Human Rights and the Human Rights Act 1998.

In the UK, the Police Inspectorate has concluded and published its inspection on how effectively and efficiently police forces deal with hate crime, following which the Government will be refreshing the Hate Crime Action Plan. The Cyber hate Working Group was

established by the Inter-Parliamentary Coalition for Combating Antisemitism to engage with the Internet industry and has led to a range of initiatives and policy changes including the agreement of a 'Best Practice' document which is published by the ADL and has been endorsed by many Internet companies. Race Disparity Audit was conducted in 2017 and the Government has been taking actions in response to its findings.

As regards the monitoring, the report submits that a hate crime action plan is in place and it involves the police recording of hate crime, including disaggregation of religious hate crime by faith, to help police target resources and increase understanding. The Government funds projects that encourage reporting of hate crime for Gypsy, Roma and Traveller communities.

In the Northern Ireland, following the Race Disparity Audit, the Racial Equality Strategy 2015-2025 was issued, identifying a need to review monitoring frameworks.

The Committee asks that the next report provide up-to-date information on the ongoing measures and their noted or expected outcomes, as well as on any further actions envisaged. Meanwhile, it considers that the situation is in conformity with the Charter in this respect.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the United Kingdom is in conformity with Article 19§1 of the 1961 Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Immediate assistance offered to migrant workers

This provision obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception (Conclusions III (1973), Cyprus).

Reception means the period of weeks which follows immediately from the migrant workers' arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975) Statement of Interpretation on Article 19§2). It must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany). The Charter requires States to provide explicitly for assistance in matters of basic need, or demonstrate that the authorities are adequately prepared to afford it to migrants when necessary (Conclusions XX-4 (2015), Poland).

The Committee also reiterates that equality in law does not always and necessarily ensure equality in practice. Additional action becomes necessary owing to the different situation of migrant workers as compared with nationals (Conclusions V (1977), Statement of Interpretation on Article 19).

The Committee notes that it addressed the legal framework relating to assistance offered to migrant workers and found it to be in conformity with the requirements of the Charter. Considering the fact that the situation was repeatedly reported to have remained unchanged, the Committee could renew its positive conclusion, most recently in 2009 (see Conclusions XVIII-1). In the previous conclusion (Conclusions XX-4 (2015)), the Committee requested a full and up-to-date description of the situation in law and practice and deferred its conclusion awaiting information on the access to healthcare for migrant workers.

The report states that All people in the UK can access healthcare from the National Health Service (NHS). Primary care (including General Practitioner consultations) and accident and emergency services are free of charge to all, including migrants regardless of immigration status. Charges do apply for NHS secondary care to people who are not 'ordinarily resident' in the UK unless an exemption applies to them or the service being accessed.

In reply to the Committee's query, the report explains that those who have paid the immigration health charge (or are exempt from paying it/have had the requirement to pay it waived) are exempt from charge for NHS secondary care with the exception, from August 2017, of assisted conception services for which charges will still generally apply. The charge is currently paid by non-European Economic Area temporary migrants who apply for a visa for more than six months, or who apply to extend their stay in the UK for a further limited period. It is paid up front, as part of the immigration application process, and is separate to the visa fee. Payment of the surcharge would allow a migrant to access visits to a doctor's surgery, healthcare centre or hospital. The Committee notes the information on access to healthcare for other groups (such as refugees or asylum seekers) but focuses its assessment of the situation under Article 19§2 of the 1961 Charter on migrant workers. In Wales anyone not ordinarily resident is considered an overseas visitor and liable to be charged for healthcare treatment. However, certain types of treatment are not chargeable for any patient, these include free emergency treatment at an accident and emergency department and to ask to be registered with a GP.

As regards social support and assistance in need where this is required, vulnerable people may access social housing or housing assistance. Short term accommodation may be made available by local authorities where this is required in order to avoid a breach of human rights or in order to safeguard the interests of children. Local authorities have duties towards eligible households in their area who are homeless or at risk of homelessness.

Migrants who are exercising a right to reside as a worker, self-employed person or a person who retains such a status are eligible to access income-related benefits such as financial assistance for those with no income or a level of income below a statutory amount set by Parliament. Housing Benefit is also available for eligible claimants who require assistance with their rental costs. Non-Contributory benefits are payable to anyone who satisfies the entitlement conditions for the benefit. Those who are exercising a right to reside as a worker, self-employed person or a person who retains such a status are eligible to access non-contributory benefits such as Personal Independence Payments if they require financial assistance whilst living with a disability and Carers Allowance for individuals with caring responsibilities for a person with a disability.

Furthermore, an individual may claim some benefits if they travel or move abroad, or if they are already living abroad. Entitlement depends on where they are going and how long for. Finally, the Voluntary Returns Service can assist individuals and families to leave the UK voluntarily.

The Committee asks the next report to provide information on the impact of Brexit and any assistance offered to migrant workers in this context.

Services during the journey

As regards the journey, the Committee recalls that the obligation to "provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey" relates to migrant workers and their families travelling either collectively or under the public or private arrangements for collective recruitment. The Committee considers that this aspect of Article 19§2 does not apply to forms of individual migration for which the state is not responsible. In such cases, the need for reception facilities would be all the greater (Conclusions V (1975), Statement of Interpretation on Article 19§2).

The Committee notes that the report does not indicate any large scale recruitment of migrant workers in the reference period. It asks how the information, including statistics, on such possible recruitment is collected. It also asks what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints, if needed.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee recalls that the scope of this provision extends to migrant workers immigrating as well as migrant workers emigrating to the territory of any other State. Contacts and information exchanges should be established between public and/or private social services in emigration and immigration countries, with a view to facilitating the life of emigrants and their families, their adjustment to the new environment and their relations with members of their families who remain in their country of origin (Conclusions XIV-1 (1998), Belgium).

It also recalls that formal arrangements are not necessary, especially if there is little migratory movement in a given country. In such cases, the provision of practical co-operation on a needs basis may be sufficient. Whilst it considers that collaboration among social services can be adapted in the light of the size of migratory movements (Conclusions XIV-1 (1996), Norway), it holds that there must still be established links or methods for such collaboration to take place.

The co-operation required entails a wider range of social and human problems facing migrants and their families than social security (Conclusions VII, (1981), Ireland). Common situations in which such co-operation would be useful would be for example where the migrant worker, who has left his or her family in the home country, fails to send money back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed (Conclusions XV-1 (2000), Finland).

In its previous conclusion ([Conclusions XX-4 \(2015\)](#)), the Committee found that appropriate cooperation between social services in emigration and immigration countries was not sufficiently promoted, given the lack of evidence of international cooperation in the resolution of any disputes which may arise after the departure of a migrant. The Committee considered insufficient the confirmation that there was nothing that would prevent cooperation between social services at a local level, if such need were to arise.

The report states that there are no changes to be reported to the situation. It points out to the fact that in 2006 and 2000 (see [Conclusions XVIII-1 \(2006\)](#) and [Conclusions XV-1 \(2000\)](#)), the Committee has positively assessed the fact that local authority social services were charged with assessing the welfare needs of immigrants on the basis of their current circumstances and that the Advisory Board on Naturalisation and Integration (ABNI) provided independent advice to the Government on its citizenship and integration programme. Above that, the report provides that informal exchanges at the official level in the field of social security coordination take place in a number of forums at the EU and international level, such as the EU network of Public Employment Services and the World Association of Public Employment Services.

The Committee acknowledges that the framework under which the cooperation between the social services in emigration and immigration countries remains largely unchanged in the UK. However, it still has not received a reply to its query about promoting cooperation between social services at a local level. Moreover, it considers that the situation of migration might have developed since its last comprehensive examination and that more detailed information is required to assess the Governments' possible responses to such changes. For instance, the Committee notes from the recent reports of the Migration Policy Institute the high inflow of Polish nationals, who became the largest foreign-national group in the UK. Furthermore, with Brexit negotiations underway, approximately 1 million UK citizens living in other EU Member States are in an uncertain legal position.

In the light of the above, the Committee considers that the information in its possession is not sufficient to permit it to assess whether all requirements under Article 19§3 are met and, in particular, to determine whether inter-service co-operation allows migrant workers to resolve any personal and family difficulties. It requests the next report to:

- confirm that the local authority social services are charged with assessing the migrant workers' welfare needs and explain whether they have established the necessary cooperation with the most important emigration and immigration countries. In particular, what services are involved and what is the form and nature of contacts and information exchanges?
- explain in detail whether measures were adopted at the national level to support the local authorities in their tasks and to promote relevant cooperation between social services;
- provide explanations on any measures adopted or envisaged to address the potential impact of Brexit on migrant workers in the UK and in other EU Member States, including as regards the resettlement scheme.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by the United Kingdom.

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

It notes from the report that the Equality Act 2010 consolidated anti-discrimination legislation for England, Scotland and Wales. "Race", and more specifically "nationality", are protected characteristics within the meaning of the Act. While the Equality Act does not apply in Northern Ireland, the Race Relations (Northern Ireland) Order 1997 applies to the employment relationship and contains the same descriptor for 'racial grounds' or 'racial group'. In the Isle of Man the Equality Act 2017 deals with discrimination in respect of employment and the provision of goods on various grounds including nationality.

The Committee also notes from the Migration Policy Integration Report (MIPEX) 2015 that non-EU immigrants have generally equal access to the UK's labour market and end up in a similar position as high- and low-educated UK-born citizens.

As regards the access to vocational training, the report states that foreigners must have the right to work and have eligible residency status. In these circumstances, they are eligible on the same basis as UK residents.

In reply to the Committee's request for information on practical measures taken to implement the legislative framework, the report states that the Scottish parliament issued Regulations which place specific equality duties on Scottish public authorities. Furthermore, it issued the Equality Outcomes and Mainstreaming Report 2017 which provides an update on its progress in incorporating equality across its activities and in delivering on the 2013 equality outcomes. It also sets new equality outcomes covering the period 2017-21.

The Committee asks the next report to provide information on the measures taken in this respect in the UK, in particular on any awareness-raising or targeted support programmes.

Membership of trade unions and enjoyment of the benefits of collective bargaining

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

In its previous conclusion ([Conclusions XX-4 \(2015\)](#)), the Committee noted that trade union may not discriminate against a person in the decision to admit or terms of membership. There are no nationality requirements for membership or the holding of office in a trade union. It asked about the status of posted workers in this respect.

The report confirms that migrant workers who are lawfully present in the UK are treated no less favourable than UK nationals in relationship to membership of trade unions and collective bargaining. Posted workers enjoy the same statutory rights and protection. The situation is, accordingly, in conformity with the 1961 Charter on this point.

Accommodation

The Committee recalls that States shall eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

The Committee found in its previous conclusion ([Conclusions XX-4 \(2015\)](#)) that the requirement of equality regarding accommodation was respected for migrant workers and their families. In the light of the further positive information provided by the report, the Committee reiterates that the situation is in conformity in this respect.

Monitoring and judicial review

The Committee recalls that it is not enough for a government to demonstrate that no discrimination exists in law alone but also that it is obliged to demonstrate that it has taken adequate practical steps to eliminate all legal and de facto discrimination concerning the rights secured by Article 19§4 of the Charter (Conclusions III (1973), Statement of interpretation).

In particular, the Committee considers that in order to monitor and ensure that no discrimination occurs in practice, States Parties should have in place sufficient effective monitoring procedures or bodies to collect information, for example disaggregated data on remuneration or information on cases in employment tribunals (Conclusions XX-4 (2015), Germany).

The Committee further recalls that under Article 19§4(c), equal treatment can only be effective if there is a right of appeal before an independent body against the relevant administrative decision (Conclusions XV-1 (2000) Finland). It considers that existence of such review is important for all aspects covered by Article 19§4.

The report provides extensive information, in particular on the Equality and Human Rights Commission and its statutory duties and powers. These include, in particular, a general duty to work towards the development in society in which equality and rights are embedded, to promote awareness and understanding of the Equality Acts, as well as enforcing the legislation, give advice and guidance, power to issue Codes of Practice (statutory guidance) which must be taken into account by courts and tribunals in relevant cases, power to conduct an inquiry into the public sector duties, as well as formal enforcement powers (e.g. to conduct investigations, provide an 'unlawful act' notice, require the production of an action plan, enter into an agreement, make applications to a court, institute or intervene in judicial review and other legal proceedings; assess compliance with the Public sector equality Duty (PSED) and issue a PSED compliance notice).

In the Isle of Man, the 2017 Act establishes the Employment and Equality Tribunal as the forum for all employment complaints, including concerning discrimination. The Committee asks the next report to provide information on the impact of Brexit in this context.

The Committee notes from the MIPEX 2015 report, cited above, that migrants in the UK enjoy some of the strongest and most comprehensive protections against discrimination in Europe. The 2010 Equality Act makes the law more coherent and easy to use, with the aim to 'rationalise, simplify and harmonise existing equality law into a consistent, coherent and easy to understand manner.' Yet, the Committee further notes that cuts to funding and monitoring are undermining the UK's traditional international strengths on anti-discrimination equality. 2012 saw cuts made to mandatory equality impact assessments and to 50% of the equality body's budget. The Committee asks the next report to comment on these observations and to explain whether these cuts reduced the capacity of equality actors and public sector to promote access to justice and equal treatment in practice targeted towards migrant workers.

Finally, the Committee asks for updated information on judicial review available in the UK for all aspects covered by Article 19§4.

Conclusion

Pending receipt of the information requested, the Committee concludes that the situation in the United Kingdom is in conformity with Article 19§4 of the 1961 Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by the United Kingdom.

It recalls that this provision recognises the right of migrant workers to equal treatment in law and in practice in respect of the payment of employment taxes, dues or contributions (Conclusions XIX-4 (2011), Greece).

The report states that there have been no changes to the situation which the Committee has previously assessed (most recently in its Conclusions XX-4 (2015)) and found to be in conformity with the Charter.

Conclusion

The Committee concludes that the situation in the United Kingdom is in conformity with Article 19§5 of the 1961 Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by the United Kingdom.

It also notes from the Migration Integration Policy Index 2015 (MIPEX) report on the UK that the requirements to reunite with family in the UK, once average compared to most countries, are now the most restrictive internationally.

Scope

This provision obliges States Parties to allow the families of migrants legally established in the territory to join them. The worker's children entitled to family reunion are those who are dependent and unmarried, and who fall under the legal age of majority in the receiving State. "Dependent" children are understood as being those who have no independent existence outside the family group, particularly for economic or health reasons, or because they are pursuing unpaid studies (Conclusions VIII (1984) Statement of Interpretation on Article 19§6).

The Committee has assessed the scope of the right to family reunion in its previous conclusion ([Conclusions 2015](#)) and asked for statistical information on accepted applications of children of migrants over the age of 18. The report does not reply to this request. The Committee notes from the Migration Integration Policy Index 2015 (MIPEX) report on the UK that hardly any non-EU and UK citizens can exceptionally be reunited with their dependent adult children or, since 2012, dependent parents/grandparents. The Committee strongly requests that the comprehensive information on the scope of the family reunion is provided in the next report. If it is not provided, there will be nothing to show that the situation is in conformity with the Charter in this respect.

Conditions governing family reunion

The Committee recalls that a state must eliminate any legal obstacle preventing the members of a migrant worker's family from joining him (Conclusions II (1971), Cyprus). Any limitations upon the entry or continued present of migrant workers' family must not be such as to be likely to deprive this obligation of its content and, in particular, must not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands; Conclusions 2011, Statement of Interpretation on Article 19§6).

The Committee furthermore recalls taking into account the obligation to facilitate family reunion as far as possible under Article 19§6, States Parties should not adopt a blanket approach to the application of relevant requirements, so as to preclude the possibility of exemptions being made in respect of particular categories of cases, or for consideration of individual circumstances (Conclusions 2015, Statement of Interpretation on Article 19§6).

In its previous conclusion (Conclusions 2015), the Committee found that the income requirement for migrants who wish their families to join them was too high and thus likely to hinder family reunion. It asked if the applicable thresholds might include entitlements to income from social assistance. In reply, the report states that In February 2017 the Supreme Court upheld the lawfulness of the minimum income requirement under the family Immigration Rules but obliged to look at how, in cases involving exceptional circumstances, all the financial support available to the family is assessed and to ensure that the best interests of any children are taken into account as a primary consideration in any decision affecting them. New Immigration Rules were implemented in 2017 to give effect to the Court's findings that, in circumstances where refusal of the application could otherwise breach ECHR Article 8, other credible and reliable sources of income or funds available to the couple should be taken into account under the minimum income requirement. The

Committee understands that the social benefits could be thus taken into account towards the calculation of the available income and asks the next report to confirm that this is the case. It notes from the MIPEX report that potential sponsors face "the highest and tightest income requirement in the developed world" with the requirement of £18,600 per year for spouse/partner, £22,400 including one child and extra £2,400 per additional child. The Committee found previously these amounts not to be in conformity with the Charter. It asks what are the thresholds after the amendment of the Immigration Rules. Meanwhile, it reserves its position on this issue.

Furthermore, the MIPEX report provides that sponsors must be able to pay the developed world's highest fees (£956) to reunite with their family. The Committee asks the next report to clarify what fees are applicable for a family reunion and whether those lacking means can receive necessary support. It recalls that imposing prohibitive fees may deprive the right guaranteed under Article 19§6 of its substance (Conclusions 2015, Statement of Interpretation on Article 19§6).

The Committee has previously found (Conclusions 2015) that the language requirements imposed on the family members of migrant workers were likely to hinder family reunion. The report states that the language requirements were amended but provides no further information as to their scope. The Committee notes from the MIPEX report that the circumstances to pass the new required pre-entry language test imposed are excessive. Families renewing permits and applying to settle must be able to reach high B1-level fluency and show their knowledge about life in the UK, all without enough guaranteed courses to succeed. In the light of the information in its possession, the Committee considers that it has not been demonstrated that the language requirements imposed on the family members of migrant workers are not likely to hinder family reunion.

Finally, the Committee recalls that once a migrant worker's family members have exercised the right to family reunion and have joined him or her in the territory of a State, they should have an independent right to stay in that territory (Conclusions XVI-1 (2002), Article 19§8, Netherlands). According to the report, it is not the situation in the UK, since there is a 5 or 10-year route to settlement for partners, parents and children following the family reunion. With regard to those with status as a dependant of a non-EU migrant worker, their basis of stay is contingent on that worker's presence in the UK. If the worker is removed, their stay will usually be curtailed in line. The Committee also notes from MIPEX 2015 that the wait for spouses/partners to settle permanently have been extended from 0/2 to 5 years, in order to 'test the genuineness of the relationship' and that non-EU citizens face such long delays that they usually cannot reunite with family until they are permanently settled. The Committee considers the situation not in conformity on this point.

The Committee asks the next report to provide information on the impact of Brexit on the right to a family reunion for migrant workers.

Remedy

The Committee recalls that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review, which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness (Conclusions 2015, Statement of Interpretation on Article 19§6).

In reply, the report states that an avenue of appeal on human rights grounds exists for applicants refused a visa to join a family member in the UK. These appeals are heard by a specialist Immigration and Appeals Tribunal and there is a right of further appeal from any of its decisions right up to the Supreme Court of the UK.

Conclusion

The Committee concludes that the situation in the United Kingdom is not in conformity with Article 19§6 of the 1961 Charter on the grounds that:

- family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion;
- it has not been established that the language requirements imposed on the family members of migrant workers are not likely to hinder family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee recalls that States must ensure that migrants have access to courts, to lawyers and legal aid on the same conditions as their own nationals (Conclusions 2015, Armenia).

It further recalls that any migrant worker residing or working lawfully within the territory of a State Party who is involved in legal or administrative proceedings and does not have counsel of his or her own choosing should be advised that he/she may appoint counsel and, whenever the interests of justice so require, be provided with counsel, free of charge if he or she does not have sufficient means to pay the latter, as is the case for nationals or should be by virtue of the European Social Charter. Whenever the interests of justice so require, a migrant worker must have the free assistance of an interpreter if he or she cannot properly understand or speak the national language used in the proceedings and have any necessary documents translated. Such legal assistance should be extended to obligatory pre-trial proceedings (Conclusions 2011, Statement of interpretation on Article 19§7).

The Committee further notes that it addressed the legal framework relating to the access to free legal counsels, legal aid and interpreter for migrant workers in judicial proceedings concerning the rights guaranteed by Article 19§7 and found it to be in conformity with the requirements of the Charter, most recently in 2015 ([Conclusions XX-4](#)). It will focus in the present assessment on any changes or outstanding issues.

The report confirms that interpretations are available in most cases, and are free where the applicant cannot reasonably afford to pay for the service, and cannot otherwise take part in the hearing. It further confirms that there are no plans to introduce a residence test for legal aid.

Conclusion

The Committee concludes that the situation in the United Kingdom is in conformity with Article 19§7 of the 1961 Charter.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee has interpreted Article 19§8 as obliging 'States to prohibit by law the expulsion of migrants lawfully residing in their territory, except where they are a threat to national security, or offend against public interest or morality' (Conclusions VI (1979), Cyprus). Where expulsion measures are taken they cannot be in conformity with the Charter unless they are ordered, in accordance with the law, by a court or a judicial authority, or an administrative body whose decisions are subject to judicial review. Any such expulsion should only be ordered in situations where the individual concerned has been convicted of a serious criminal offence, or has been involved in activities which constitute a substantive threat to national security, the public interest or public morality. Such expulsion orders must be proportionate, taking into account all aspects of the non-nationals' behaviour, as well as the circumstances and the length of time of his/her presence in the territory of the State. The individual's connection or ties with both the host state and the state of origin, as well as the strength of any family relationships that he/she may have formed during this period, must also be considered to determine whether expulsion is proportionate. All foreign migrants served with expulsion orders must have also a right of appeal to a court or other independent body (Statement of Interpretation on Article 19§8, Conclusions 2015).

In its previous conclusion (Conclusions XX-4 (2015)), the Committee noted the introduction, outside the reference period, of the Immigration Act 2014 and asked for detailed information on its contents, implementation, and consequences for the expulsion of migrants. There were several key points on which the Committee sought clarifications, in particular:

- principle "deport first, appeal later": the Committee stressed that an appeal must be available and exercisable prior to deportation and asked how it is ensured that abuses are not perpetrated without the right to review of the decision;
- what grounds of appeal were available and whether all circumstances of the case must be considered prior to an expulsion order being made.

The report states that the main types of cases where leave to remain in the UK may be refused are those that involve criminality, a threat to national security, war crimes, travel bans or threats to immigration control, such a sham marriage. It confirms that proportionality case-by-case test is applied taking into account a wide range of circumstances, including those pertaining to human rights.

The information provided, albeit positive, is not sufficient for a full assessment of compliance of the situation with all requirements of Article 19§8. It does not, in particular confirm whether effective appeal is available in all cases and does not respond to the Committee's query in this respect. Neither does it provide a comprehensive picture of the Immigration Act 2014. The Committee asks the next report to provide exhaustive information in this respect and, in particular, to confirm explicitly that:

- deportation may be ordered under the amended legal framework only in case of substantive threat to national security, public interest or morality and/or conviction for serious criminal offence;
- deportation may not be ordered for risk to public health nor for dependence on social assistance;
- family members of a migrant worker are liable to be expelled following a migrant worker's deportation.

The Committee considers that if the requested information is not provided in the next report, there will be nothing to establish that the situation in the UK is in conformity with Article 19§8 of the Charter.

The Committee also asks the next report to provide information on the impact of Brexit in this respect.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by the United Kingdom.

The Committee recalls that this provision obliges States Parties not to place excessive restrictions on the right of migrants to transfer earnings and savings, either during their stay or when they leave their host country (Conclusions XIII-1 (1993), Greece).

The Committee notes that the situation, which it considered to be in conformity with the 1961 Charter in its previous conclusion ([Conclusions XX-4 \(2015\)](#)), has not changed. The report confirms that there are no restrictions on the transfer abroad of earnings and savings of migrant workers and their families.

In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on Article 19§9 ([Conclusions 2011](#)), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect. As the report does not reply on the matter, the Committee recalls its question and underlines that should the next report not provide comprehensive information in this respect, there will be nothing to show that the situation is in conformity with the Charter on this point.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.

Article 19 - Right of migrant workers and their families to protection and assistance

Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by the United Kingdom.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants.

However, in the case of equal treatment between wage-earners and self-employed migrants and between self-employed migrants and self-employed nationals, a deferral under paragraphs 1 to 9 of Article 19 leads to a deferral under paragraph 10 since the same situation applies to self-employed workers.

In its conclusions under Article 19§§2, 3, 6, 8 and 9 the Committee has deferred its conclusions upon receipt of further information. Accordingly, the Committee defers its conclusion under Article 19§10 of the Charter.

Conclusion

Pending receipt of the information requested, the Committee defers its conclusion.