



Joint Committee on Human Rights

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From Dr Hywel Francis MP, Chair

Rt Hon Chris Grayling MP
Lord Chancellor and Secretary of State for Justice
Ministry of Justice
102 Petty France
London, SW1H 9AJ

Wednesday 12 March 2014

Dear Chris,

Criminal Justice and Courts Bill Part 2

The Joint Committee on Human Rights is currently scrutinising the Criminal Justice and Courts Bill in light of the requirements of human rights law and I am writing about Part 2 of the Bill, concerning young offenders, in relation to which the Committee would appreciate further information to enable it to scrutinise that Part of the Bill. The Committee may be in touch further when it has had an opportunity to consider Parts 1, 3 and 4 of the Bill.

The Committee is grateful to your Department for the very detailed ECHR memorandum you have provided summarising the Government's consideration of the Bill's provisions in light of the European Convention on Human Rights.

Part 2 of the Bill, however, has significant implications for the human rights of children. The Government undertook on 10 December 2010 to always have due regard to the UN Convention on the Rights of the Child when developing law and policy. The Committee has been pleased to receive from the Government memoranda accompanying Bills which demonstrate that it has honoured that commitment by setting out a detailed analysis of the Bill's compatibility with the UNCRC, for example in relation to the Children and Families Bill. We have not received such a memorandum in relation to this Bill, however, notwithstanding that Part 2 has some significant implications for the rights of children.

Q1: Please provide a Memorandum containing the Government's analysis of the implications of any provisions in Part 2 of the Bill for the rights of children in the UN Convention on the Rights of the Child, and of relevant international standards, including in particular the UN Standard Minimum Rules for the Administration of Juvenile Justice ("the Beijing Rules"), the UN Guidelines for the Prevention of Juvenile Delinquency ("the Riyadh Guidelines") and the UN Rules for the Protection of Juveniles Deprived of their Liberty. In your Memorandum, please explain the Government's view of why the provisions in Part 2 are compatible with those standards.

In your Memorandum concerning the implications of Part 2 of the Bill for the UK's compliance with the UNCRC and other relevant international standards concerning juvenile detention, the Committee would be grateful if you could include responses to the following specific questions:

Q2: What consideration has the Government given to the impact of secure colleges on the children's right to respect for their private life, family life and home in view of the fact that they are likely to be detained some distance from their homes?

Q3: Please provide the Government's assessment of the impact of secure colleges on (1) girls and (2) children under the age of 16.

Q4: What evidence exists about the implications for child safety of, respectively, large secure institutions such as secure colleges and smaller secure institutions such as secure children's homes?

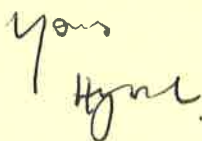
Q5: Why has the Government excluded deaths of children under 18 from the scope of the independent inquiry to be conducted by Lord Harris into the deaths in custody of 18-24 year olds?

Q6: Will a draft of the Secure College Rules be published to inform parliamentary scrutiny of the Bill?

Q7: In light of the decision of the Court of Appeal in the case of *C v Secretary of State for Justice* [2009] QB 647, that rules authorising the use of restraint in secure training centres where necessary for the purposes of ensuring good order and discipline were incompatible with the right not to be subjected to inhuman and degrading treatment and the right to respect for private life, why is it compatible with Articles 3 and 8 ECHR for Schedule 4 of the Bill to authorise the use of reasonable force by a secure college custody officer where necessary "to ensure good order and discipline"?

Q8: Will the Government consider amending the Bill to give concrete effect to the Court of Appeal's judgment in *C v Secretary of State for Justice* by prohibiting the use of force to ensure good order and discipline?

It would be helpful if we could receive your reply by 26 March 2014. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication. I look forward to hearing from you.



Dr Hywel Francis
Chair