



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

Addressing Bullying in Schools Bill

Summary

The Northern Ireland Human Rights Commission ('the Commission'):

- **welcomes the general principles of the Bill which aims to address the issue of bullying in schools by defining bullying and placing duties on the Board of Governors to secure measures to prevent bullying and to keep a record of bullying incidents. The Commission advises that the general principles of the Bill are in line with a number of human rights treaties and standards (para 15);**
- **advises that given potential overlap between the Bill and existing criminal law, the Committee may wish to ask the Department of Education what engagement it has had with the Department of Justice, the PSNI and PPS, DHSSPS, and the Education and Training Inspectorate during the development of the Bill and underpinning policy (para 18);**
- **advises that human rights standards are not prescriptive regarding a definition of bullying, focusing more on the State's obligations to take appropriate measures. The Commission welcomes the definition of bullying contained within Clause 1 of the Bill which reflects the spirit of UNCRC General Comment No. 13. However, the Commission recommends that the Committee considers an amendment to Clause 1(d) stating 'with the intention of causing harm to the physical, psychological integrity or well being of that pupil or group of pupils'. This amendment will make it clear that human rights standards are being applied in the Bill (Para 22);**

- **advises that the State has a positive duty to secure the child's right to education regardless of whether they are in a private or public setting. Therefore bullying should be dealt with regardless of where the educational provision takes place. The Commission recommends that the Committee asks the Department how bullying will be addressed in respect of independent schools (para 25);**
- **In light of the ECtHR case law, the Commission advises that the Committee should give consideration to whether there should be an obligation for the school to report instances of criminal activity or human rights abuses that fall outside the scope of Clauses 2(b) and 3(1) to other public authorities to ensure a systematic approach. The Commission recognises the complexities attached to such an approach and that this will need careful consideration (para 28);**
- **The Commission recommends amending Clause 3(3) to include language, persons with or without dependents and 'other status'. This would address the Commission's concerns regarding the absence of socio-economic deprivation. The Commission advises that the inclusion of language and other status in particular would reflect the categories contained within the freedom from discrimination provisions under ECHR Article 14 and other relevant human rights standards (para 35).**

Introduction

1. The Northern Ireland Human Rights Commission (the Commission) pursuant to Section 69(4) of the Northern Ireland Act 1998, has a statutory remit to advise the Assembly whether a Bill is compatible with human rights. In accordance with this function the following statutory advice is submitted to the Committee for Education in

response to a call for evidence on the Addressing Bullying in Schools Bill.¹

2. The Commission bases its advice on the full range of internationally accepted human rights standards, including the European Convention on Human Rights as incorporated by the Human Rights Act 1998 and the treaty obligations of the Council of Europe (CoE) and United Nations (UN) systems. The relevant international treaties in this context include:

- The CoE European Convention on Human Rights, 1950;²
- The CoE Framework Convention for the Protection of National Minorities (FCNM);³
- UN International Covenant on Civil and Political Rights (ICCPR);⁴
- UN International Covenant on Economic, Social and Cultural Rights (ICESCR);⁵
- UN Convention on the Rights of the Child (UNCRC);⁶
- UN Convention on the Elimination of Discrimination against Women (CEDAW);⁷
- UN Convention on the Elimination of Racial Discrimination (ICERD);⁸
- UN Convention on the Rights of Persons with Disabilities (UNCRPD);⁹
- Charter of Fundamental Rights of the European Union (CFREU);¹⁰

3. The Northern Ireland Executive (NI Executive) is subject to the obligations contained within these international treaties by virtue of the United Kingdom (UK) Government's ratification and the provisions of the Northern Ireland Act 1998.¹¹

¹ The Bill was introduced in the Northern Ireland Assembly on 2 November 2015

² Ratified by the UK in 1951

³ Ratified by the UK in 1998

⁴ Ratified by the UK in 1976

⁵ Ratified by the UK in 1976

⁶ Ratified by the UK in 1991

⁷ Ratified by the UK in 1986

⁸ Ratified by the UK in 1969

⁹ Ratified by the UK in 2009

¹⁰ Ratified by the UK in 2000

¹¹ In addition, Section 26 (1) of the Northern Ireland Act 1998 provides that 'if the Secretary of State considers that any action proposed be taken by a Minister or Northern Ireland department would be incompatible with any international obligations...he may by order direct that the proposed action shall not be taken.' Section 24(1) states

4. In addition to the treaties, there exists a body of 'soft law' developed by the human rights bodies of the UN and CoE. These declarations and principles are non-binding but provide further guidance in respect of specific areas. The relevant standards in this context include:

- ICESCR General Comment No.13 on 'The Right to Education';¹²
- ICESCR General Comment No. 20 'Non-discrimination in economic, social and cultural rights'¹³
- UNCRC General Comment No.1 on 'The Aims of Education';¹⁴
- UNCRC General Comment No.10 (2007) 'Children's Rights in Juvenile Justice';¹⁵
- UNCRC General Comment No.13 'The Right to the Child of Freedom from all Forms of Violence'¹⁶
- The Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, 2006;
- CoE European Commission against Racism and Intolerance (ECRI) General Policy Recommendation No.10 on Combating Racism and Racial Discrimination In and Through Education;
- Beijing Platform for Action, 1995;
- CoE Parliamentary Assembly Resolution 1965 (2011) on Education against Violence in Schools;
- CoE Parliamentary Assembly Resolution 1803 (2011) on Education against Violence in Schools;

5. The Commission welcomes the opportunity to provide advice on the Bill. It recognises that the policy objectives underpinning the proposed legislation are progressive. It further makes a number of recommendations to enhance the protection of and ensure compliance human rights.

that 'a Minister or Northern Ireland department has no power to make, confirm or approve any subordinate legislation, or to do any act, so far as the legislation or act – (a) is incompatible with any of the Convention rights'.

¹² ICESCR General Comment No.13: 'The right to education (article 13 of the Covenant)', E/C.12/1999/10, para 37

¹³ ICESCR General Comment No. 20 'Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)

¹⁴ UNCRC General Comment No. 1(2001) Article 29(1)' The Aims of Education' CRC/GC/2001/1

¹⁵ UNCRC General Comment No.10 (2007) 'Children's Rights in Juvenile Justice' CRC/C/GC/10

¹⁶ UNCRC General Comment No.13 'The Right to the Child of Freedom from all Forms of Violence' 18 April 2011, CRC/C/GC/13

General Comments on the Bill

6. The Charter of Fundamental Rights of the European Union (CFREU) Article 1 provides that human dignity is inviolable and must be protected. Article 14 of the CFREU also provides for the right to education. The European Court of Justice has ruled that the fundamental right to dignity is part of EU law.¹⁷ An interpretation of Article 1 states:¹⁸

...none of the rights laid down on this Charter may be used to harm the dignity of another person, and that the dignity of the human person is part of the substance of the rights laid down in this Charter.

7. The UNCRC Article 3 provides 'in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.' The Commission recognises that, to the extent the Bill promotes these two concepts i.e human dignity and the best interests of the child, it is progressive.

8. The ECHR Article 3 requires measures to be taken to ensure that individuals are not subject to inhuman or degrading treatment or punishment. This includes ill-treatment administered by private individuals.¹⁹ The ECtHR has ruled that measures should include effective protection, in particular of children and other vulnerable persons, and include reasonable steps to prevent ill-treatment of which the authorities had or ought to have had knowledge.²⁰ In order to amount to inhuman treatment under Article 3, the treatment must attain a minimum level of severity. It must cause 'either actual bodily harm or intense physical or mental suffering.'²¹ For treatment to be deemed degrading, the ECtHR has ruled that it is treatment 'such as to arouse feelings of fear, anguish and inferiority capable of humiliating and debasing them.'²²

¹⁷ *Netherlands v Parliament and the Council*, C- 377/98, 9 October 2001, para 70

¹⁸ Official Journal of the European Union, 14 December 2007, 2007/C 303/02

¹⁹ *E and Others v UK*, Application No.33218/96 (26 November 2002), para 88

²⁰ *E and Others v UK*, Application No.33218/96 (26 November 2002), para 88

²¹ *Kudla v Poland*, Application No. 30210/96 (26 October 2000), para 92

²² *Kudla v Poland*, Application No. 30210/96 (26 October 2000), para 92

9. In the case of *Đurđević v Croatia*, the ECtHR held that under the ECHR Article 3, the State is required to take measures covering school discipline in relations between pupils.²³ The Court also held that States have a duty under Article 8 of the Convention (the right to respect for private and family life, home and correspondence) to protect the physical and moral integrity of an individual from other persons. The Court stated 'To that end, they are to maintain and apply in practice an adequate legal framework affording protection against acts of violence by private individuals'.²⁴
10. In a different case, *Đorđević v Croatia*, the ECtHR held that states are required to take all reasonable measures to prevent abuse in order to comply with Article 3 of the Convention.²⁵
11. Article 8 may be relevant where there is a complaint of ill-treatment which does not meet the threshold required by Article 3. Article 8 as already outlined covers the moral and physical integrity of the person.²⁶ The ECtHR has ruled that there may be positive obligations on the State to ensure the right to private life under Article 8 and obligations may involve the adoption of measures designed to secure respect for private life, even in the sphere of relations between individuals.²⁷
12. The UNCRC also requires States to take measures to address relations amongst pupils. Article 19 requires States to take all appropriate legislative, administrative social and education measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. General Comment No. 13 makes it clear that mental violence includes psychological bullying by adults and other children.²⁸ Furthermore, Article 28(2) provides that States shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the Convention on the Rights of the Child. Article 29(1) requires States to ensure 'the development of the child's

²³ *Đurđević v Croatia*, Application No. 52442/09 (19 July 2011), para 104

²⁴ *Đurđević v Croatia*, Application No. 52442/09 (19 July 2011), para 107

²⁵ *Đorđević v Croatia*, Application No: 41526/10 (24 July 2012), para 148.

²⁶ *X and Y v Netherlands*, Application No. 8978/80 (26 March 1985) para 22

²⁷ *X and Y v Netherlands*, Application No. 8978/80 (26 March 1985) para 23

²⁸ UNCRC General Comment No.13 'The Right to the Child of Freedom from all Forms of Violence' 18 April 2011, CRC/C/GC/13

personality, talents and mental and physical abilities to their fullest potential'. The UNCRC Committee's General Comment No. 1 on the Aims of Education provides that 'a school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29(1).'²⁹ The UNCRC Committee expressed concern following the UK's 2008 examination in its concluding observations, stating that 'bullying is a serious and widespread problem, which may hinder children's attendance at school and successful learning'. It recommended that the UK 'intensify its efforts to tackle bullying and violence in schools, including through teaching human rights, peace and tolerance.'³⁰

13. In addition to the ECHR and the UNCRC, a number of other human rights standards are relevant in the context of this Bill. This is because specific actions are required for particular groups, including on the grounds of gender, race, sexual orientation and disability. The relevant human rights instruments include: the ICCPR Articles 7 and 9,³¹ the ICESCR Article 13,³² the CEDAW Article 10,³³ the ICERD Article 5,³⁴ the UNCRPD Article 24,³⁵ the FCNM Article 12,³⁶ Principle 16 of the Yogyakarta Principles,³⁷ the CoE Parliamentary Assembly Resolution 1965(2011) on Education Against Violence at Schools³⁸

²⁹ UNCRC General Comment No. 1(2001) Article 29(1) 'The Aims of Education' CRC/GC/2001/1, para 19

³⁰ UNCRC 'Concluding Observations on the Examination of the United Kingdom of Great Britain and Northern Ireland' 2008, CRC/C/GBR/CO/4, paras 66 and 67

³¹ ICCPR Article 9 provides that everyone has the right to liberty and security of the person. Article 7 provides that no-one shall be subject to torture, inhuman and degrading treatment. The Human Rights Committee has stated in General Comment No. 20 that it is the duty of the State to afford everyone protection through legislative and other measures as may be necessary against the acts prohibited by article 7, whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity. See HRC 'General Comment No.20: Article 7 (Prohibition of Torture, Inhuman and Degrading Treatment)' 1992, para 2.

³² ICESCR Article 13 provides that education shall be directed to the full development of the human personality and the sense of its dignity and shall strengthen the respect for human rights and fundamental freedoms.

³³ CEDAW Article 10 requires the State to take all appropriate measures to eliminate discrimination against women in the field of education.

³⁴ ICERD Article 5 requires the State to prohibit and eliminate racial discrimination to guarantee the right to education.

³⁵ UNCRPD Article 24 requires the State to ensure an inclusive education system at all levels directed to 'The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity'

³⁶ Article 12 of the FCNM requires Parties to the Convention to undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

³⁷ The Yogyakarta Principles provide that States shall 'Ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment.'

³⁸ CoE Parliamentary Assembly Resolution 1965 (2011) considers that violence at school is a violation of children's rights and provides that there is a need to enhance policy design concerning education against violence at school

and the CoE Parliamentary Assembly Resolution 1803(2011) on Education Against Violence at Schools.³⁹

14. The Commission welcomes duties included in the Bill which will requires Boards of Governors to record incidents of bullying. The ICESCR General Comment No.13 provides that States parties must closely monitor education - including all relevant policies, institutions, programmes, spending patterns and other practices - so as to identify and take measures to redress any de facto discrimination. Furthermore, educational data should be disaggregated by the prohibited grounds of discrimination.⁴⁰ The ECRI General Recommendation No. 10 on Combating Racism and Racial Discrimination In and Through School Education recommends that the governments of Member States gather the information required to identify problems facing pupils from minority groups in the school environment in order to introduce policies to solve these problems.⁴¹
15. **The Commission welcomes the general principles of the Bill which aims to address the issue of bullying in schools by defining bullying and placing duties on the Board of Governors to secure measures to prevent bullying and to keep a record of bullying incidents. The Commission advises that the general principles of the Bill are in line with a number of human rights treaties and standards.**
16. In accordance with Article 19 of the UNCRC which requires States to take all appropriate legislative, administrative social and education measures to protect the child from all forms of physical or mental violence, abuse and neglect, the Commission notes that there may be an overlap between the Bill and behaviour prohibited by criminal law. Examples include offences prohibited by the Protection from Harassment (Northern Ireland) Order 1997, the Sexual Offences (NI) Order 2008, the Offences Against the Person Act 1861 and the Communications Act 2003.

and better support the implementation of national policies aimed at counteracting all forms of violence affecting children and young people.

³⁹ CoE Parliamentary Assembly Resolution 1803 (2011) states penal and/or disciplinary standards should clearly prohibit all acts committed at school which can be qualified as “violent”, including physical or degrading punishment of pupils, violence against pupils by school staff, violence by third persons against pupils on school premises and violent behaviour by pupils against other pupils, school staff or school property.

⁴⁰ CESCR General Comment No.13: ‘The right to education (article 13 of the Covenant)’, E/C.12/1999/10, para 37.

⁴¹ CoE European Commission against Racism and Intolerance (ECRI) ‘General Policy Recommendation No.10 on Combating Racism and Racial Discrimination In and Through School Education’, adopted 15 December 2006, p 5.

17. There is also an overlap with policies that fall under the remit of other departments and bodies, including the DHSSPS Co-operating to Safeguard Children (2003) policy and the Regional Child Protection Policies and Procedures (2005). The Commission suggests that these policies should be amended accordingly to bring into line with this Bill. The Commission also recognises the important role of the Education and Training Inspectorate (ETI) in inspecting schools and clarity should be provided to the role of the ETI in monitoring the effectiveness of Boards of Governors in exercising its functions contained within the Bill.
18. **The Commission advises that, given potential overlap between the Bill and existing criminal law, the Committee may wish to ask the Department of Education what engagement it has had with the Department of Justice, the PSNI and PPS, the DHSSPS and the ETI during the development of the Bill and underpinning policy.**

Clause 1: Definition of Bullying

19. Clause 1 of the Bill defines bullying to include verbal and physical acts by a pupil or groups of pupils against another pupil or group of pupils. Although human rights standards do not provide a definition of bullying, UNCRC General Comment No 13 describes violence among children as including: physical, psychological and sexual violence, often by bullying, exerted by children against other children, frequently by groups of children.⁴²

20. The definition of bullying in Clause 1 includes the use of written and electronic communication. The Commission welcomes that the definition includes the use of electronic communication as a form of bullying as well as other more longstanding forms. UNCRC General Comment No 13 provides that mental violence includes psychological bullying via information and communication technologies such as internet and mobile phones, known as cyberbullying.

21. Clause 1 of the Bill also sets out the effect of such behaviour which is 'the intention of causing physical or emotional harm to that pupil or group of pupils.' UNCRC General Comment No.13 provides that violence among children includes violence:

⁴² UNCRC General Comment No 13 'The right of the child to freedom from all forms of violence', para 27

which not only harms a child's physical and psychological integrity and well-being in the immediate term, but often has severe impact on his or her development, education and social integration in the medium and long term.

22. The Commission advises that human rights standards are not prescriptive regarding a definition of bullying, focusing more on the State's obligations to take appropriate measures. The Commission welcomes the definition of bullying contained within Clause 1 of the Bill which reflects the spirit of UNCRC General Comment No. 13. However, the Commission recommends that the Committee considers an amendment to Clause 1(d) stating 'with the intention of causing harm to the physical, psychological integrity or well being of that pupil or group of pupils'. This amendment will make it clear that human rights standards are being applied in the Bill

Clauses 2 and 3 – Duties of Board of Governors of grant aided schools

23. The Bill makes reference to the duties of the Board of Governors of grant aided schools in securing measures to prevent bullying and keeping records of incidents of bullying (Clauses 2 and 3). The right to education is guaranteed by ECHR, Article 2 Protocol 1 and the Convention does not distinguish between State and private teaching institutions.⁴³

24. The Commission recognises that there are 14 independent schools in Northern Ireland.⁴⁴ Paragraph 3.50 of the Co-operating to Safeguard Child policy states 'The role of independent schools in relation to child protection is the same as that of any other school and similar policies and procedures should be adopted.'⁴⁵

25. The Commission advises that the State has a positive duty to secure the child's right to education regardless of

⁴³ *Kjeldsen, Busk Madsen and Pedersen v Denmark*, Application No: 5095/71; 5920/72; 5926/72 (7 December 1976) para 50

⁴⁴ <https://www.deni.gov.uk/articles/independent-schools>

⁴⁵ <https://www.dhsspsni.gov.uk/sites/default/files/publications/dhssps/co-operating-safeguard-children-may2003.PDF>

whether they are in a private or public setting. Therefore bullying should be dealt with regardless of where the educational provision takes place. The Commission recommends that the Committee asks the Department how bullying will be addressed in respect of independent schools.

26. The Commission welcomes duties in the Bill on Boards of Governors to secure measures to prevent and record incidents of bullying. Clause 2(b) provides that the Board of Governors of grant aided schools must determine the measures to be taken at the school with a view to preventing bullying involving registered pupils at the school (i) on the premises of the school during the day; (ii) while travelling to or from the school during the school term; or (iii) while the pupil is in the lawful control or charge of a member of the Staff at the school. Clause 3(1) provides a duty on the Board of Governors to keep a record of incidents of bullying within the same scope as Clause 2(b). The Commission notes that there may be incidents of bullying that may fall outside the scope set out in these clauses, for example when schools have been informed of incidents involving registered pupils in the evening.
27. The case of *Dordević v Croatia* involved harassment of a vulnerable person with disabilities by children from a nearby school. The case concerned the issue of the State's positive obligations in a situation, outside the sphere of criminal law, where the competent State authorities are aware of a situation of serious harassment and even violence directed against a person with physical and mental disabilities. It concerns the alleged lack, in such a situation, of an adequate response to properly address acts of violence and harassment that had already occurred and to prevent any such further acts.⁴⁶ The Court, in finding a violation, noted that police interviewed some of the children allegedly involved in certain incidents and that the school authorities discussed the problem with the pupils and their parents. However, the Court found that no serious attempt was made to assess the true nature of the situation complained of, and to address the lack of a systematic approach to the issue. The Court held the findings of the police were not followed by any further concrete action: no policy decisions had been adopted and no monitoring mechanisms have been put in place in order to recognise and prevent further harassment.⁴⁷ It is therefore possible that a violation of the Convention could occur

⁴⁶ *Dordević v Croatia*, Application No: 41526/10 (24 July 2012), para 143

⁴⁷ *Dordević v Croatia*, Application No: 41526/10 (24 July 2012), para 148

where public authorities, including schools, have been informed of incidents that have occurred outside involving school pupils, but there is no mechanism to ensure they are appropriately dealt with by public authorities.

28. **In light of the ECtHR case law, the Commission advises that the Committee should give consideration to whether there should be an obligation for the school to report instances of criminal activity or human rights abuses that fall outside the scope of Clauses 2(b) and 3(1) to other public authorities to ensure a systematic approach. The Commission recognises the complexities attached to such an approach and that this will need careful consideration.**

Clause 3(3)-Motivation of incidents of bullying

29. Clause 3(3) of the Bill provides that motivation may include a number of grounds including: age, disability, gender reassignment, marriage, political opinion, pregnancy, race, religion or belief, sex and sexual orientation.
30. Although the Bill makes reference to race, the Commission notes that the Bill makes no reference to language which is included as a protected characteristic under ECHR, Article 14. This is important in the Northern Ireland context given the Department's duties in relation to the development of Irish Medium Education and provision of English as an additional language to support the integration of migrant communities.
31. The Commission notes that the Bill makes no reference to socio-economic deprivation in monitoring motivation of bullying incidents, socio-economic deprivation was an important focus in the Shared Education Bill. Although Article 14 (which prohibits discrimination) makes no explicit reference to socio-economic deprivation, it does refer to 'property'; furthermore the ECtHR has ruled that the words 'other status' has a wide meaning.⁴⁸
32. The Committee on Economic, Social and Cultural Rights has interpreted 'other status' under Article 2 (2) ICESCR (non

⁴⁸ *Carson v UK*, Application no. 42184/05 (16 March 2010), para 70. In this case, the Court held that residence was a personal characteristic for the purposes of Article 14

discrimination) to include economic and social situation. CESCR General Comment No 20 states:⁴⁹

Individuals and groups of individuals must not be arbitrarily treated on account of belonging to a certain economic or social group or strata within society. A person's social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatisation and negative stereotyping which can lead to the refusal of, or unequal access to the same quality of education and healthcare as others, as well as the denial of equal access to public places.

33. A report by Children's Commission on Poverty in 2014 in the UK reported the impact of poverty which can make children feel 'singled out, stigmatized and bullied.' The report noted that 27% of children reported that they had been bullied as a result of their parents struggling with the costs of school.⁵⁰

34. The Commission notes that the policy underpinning the Bill states 'it is recognised that a primary motivation for bullying behaviour can often be prejudice or discrimination on the basis of actual or perceived difference. Section 75 of the Northern Ireland Act 1998 sets out the commonly recognised forms which this can take.'⁵¹ However, the Commission notes that clause 3(3) makes reference to pregnancy but does not reference school age mothers. Section 75 of the Northern Ireland Act 1998 explicitly makes reference to persons with and without dependents. The Beijing Platform for Action calls on States to 'promote an educational setting that eliminates all barriers that impeded the schooling of pregnant adolescents and young mothers.'⁵² ICESCR General Comment No.13 also requires States to remove gender and other stereotyping which impedes the education access of girls, women

⁴⁹ ICESCR General Comment No. 20 'Non-discrimination in economic, social and cultural rights' (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) para 35

⁵⁰ The methodology of Inquiry included 13 in-depth interview with parents and children from low income families, twenty two in depth interview with children aged 8-16 living in poverty and entitled to free school meals and an original survey of 2000 households across Britain, including responses from children aged 10-17 and their parents. See the Children's Commission on Poverty 'At What Cost: Exploring the Impact of Poverty on School Life', available at:

http://www.childrensociety.org.uk/sites/default/files/At_What_Cost_Exposing_the_impact_of_poverty_on_school_life-Full_Report.pdf

⁵¹ DENI 'Addressing Bullying in Schools: Consultation Document' para 60

⁵² See Strategic objective B.1 (Ensure Equal Access to Education) Action 80g, <http://www.un.org/womenwatch/daw/beijing/platform/educa.htm>

and other disadvantaged groups.⁵³ UNCRC General Comment No.1 on the Aims of Education further provides that gender discrimination in education can be reinforced by unsafe or unfriendly practices which discourage girls' participation in education.⁵⁴

- 35. The Commission recommends amending Clause 3(3) to include language, persons with or without dependents and 'other status'. This would address the Commission's concerns regarding the absence of socio-economic deprivation. The Commission advises that the inclusion of language and other status in particular would reflect the categories contained within the freedom from discrimination provisions under ECHR Article 14 and other relevant human rights standards.**

⁵³ ICESCR General Comment No.13 'The right to education (article 13 of the Covenant)', E/C.12/1999/10, para 55

⁵⁴ UNCRC General Comment No. 1(2001) 'Article 29(1) The Aims of Education' CRC/GC/2001/1, para 10