



# Children's Rights Bulletin

## For children and young people

Issue 33 February 2009

Welcome to issue 33 of our children's rights bulletin.

We were really happy to welcome Dr Mike Lindsay as CRAE's new national co-ordinator earlier this month, while Carolyne Willow takes unpaid leave for a year. Mike was the first ever children's rights officer in the UK, and has worked at the Office of the Children's Rights Director since 2002. Mike is really passionate about children's rights and brings lots of new experience and energy to the team.

If you have any comments, suggestions or feedback on the bulletin, please contact Carla Garnelas, senior policy and change officer at [cgarnelas@crae.org.uk](mailto:cgarnelas@crae.org.uk) or call 020 7278 8222 ext. 25.

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## Gordon Brown celebrates 60 years of human rights

The Equality and Human Rights Commission hosted an event in December 2008 to celebrate the 60th anniversary of the Universal Declaration of Human Rights.

CRAE was really pleased that Prime Minister Gordon Brown told everyone how committed he is to human rights, both here and in other countries. He said:

*'..it is all too easy to take our rights for granted, but we should never forget that the universal rights enshrined in the Universal Declaration and in our Human Rights Act are a shield and a safeguard for us all.'*

You can read the full speech here: <http://www.number10.gov.uk/Page17788>

You can also visit the Equality and Human Rights Commission's new human rights website: <http://www.hereforeveryone.com>



The **Universal Declaration of Human Rights** is an international treaty adopted by the UN in 1948. It is based on achieving freedom, respect, equality and dignity for everyone, everywhere, all the time.



### Take action on children's rights

Have you ever been treated differently or unfairly because of your age? Tell us your stories and find out how to get involved in our Young Equals campaign on page 9.

# CRAE in 2009 - message from Mike Lindsay

Children's Rights Alliance  
for England

Hello!

This year marks the 20<sup>th</sup> anniversary of the United Nations agreeing to the Convention on the Rights of the Child, and will provide some great opportunities for making progress on children's rights.

CRAE has a special role in making sure the Government agrees to follow and respect children's rights. We also want to work with other big charities, smaller organisations and especially young people to achieve real change for children. We will work with and support Government on its work on children's rights too.

Join us in celebrating 20 years of children's rights at home, in your school, work place and local areas, with your family, friends and anyone else!

We want everyone to recognise that children's rights are very important, and help us make change happen to improve the lives of children.

Do you have any ideas about how we could celebrate children's rights this year?

E-mail Krishna – [kmaroo@crae.org.uk](mailto:kmaroo@crae.org.uk) with your ideas.

Here's to a great year!

**Mike**

CRAE members

### UK Border Agency Code for keeping children safe from harm now in force

The **UK Border Agency** (UKBA) has introduced a new set of rules (called a Code of Practice) about how asylum seeking children must be treated. The Code should bring UKBA staff in line with other professionals (such as social workers) who have responsibility for keeping children safe.

The rules say:

- Staff will have to show that asylum seeking children have been treated just as well as any other British child
- That the child's best interests must be a top priority, but not the only factor, when decisions are being made about them
- That children's asylum applications must be dealt with properly
- That children at risk of harm must be properly identified.

CRAE is pleased with the new rules for UKBA staff and we hope that this means that the Government is making the needs of asylum seeking children a top priority. We are still worried about the way that **age disputed** children are treated and ask the Government to stop locking up children in immigration removal centres. The Government must also make sure that all UKBA staff are properly trained on how to put the new rules in to practice.

Read the Code of Practice: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/keepingchildrensafe/codeofpracticechildren?view=Binary>

#### Asylum seeker

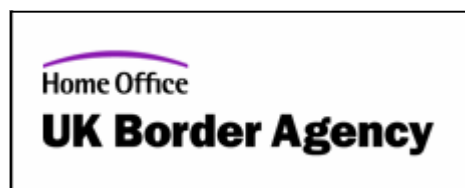
Someone who leaves their home country for their own safety, for political reasons or because of war, and travels to another country hoping that the government there will protect them and allow them to stay.

#### Asylum applications

When a person who has left their own country for their own safety asks the government of the country they are visiting to protect them and let them live there.

An **age dispute** is where there is disagreement about whether a person is under or over 18 years-old.

The **UK Border Agency** is the government department that is responsible for policy about refugee and asylum seeking children (in partnership with the Department for Children, Schools and Families and the Home Office).



## News

### UK ratifies European convention against human trafficking

CRAE is pleased that the UK Government has ratified (agreed to follow) the Council of Europe's European Convention Against Trafficking In Human Beings (ECAT). Ratifying the treaty means that victims of trafficking will be given special services, including care, support and somewhere to live.

However, we think the Government should do more to help victims of trafficking, especially children. At the moment, some trafficked children can be locked up in prisons and immigration detention centres – we want this to stop.

Government press release:

<http://press.homeoffice.gov.uk/press-releases/government-ratifies-convention>

Amnesty International response:

[http://www.amnesty.org.uk/news\\_details.asp?NewsID=17992](http://www.amnesty.org.uk/news_details.asp?NewsID=17992)

**Trafficking** is when someone is secretly moved to another country or within their own country to be exploited for money. There can be many reasons for this, such as to be employed as a sex worker or to be forced to work somewhere for little or no money. This breaks human rights rules.

### JCHR criticises Government on Disability Convention

The Parliamentary **Joint Committee on Human Rights** (JCHR) has strongly criticised the Government's plans for putting the United Nations Convention on the Rights of Persons with Disabilities into practice.

The Government had said that it would ratify (agree to follow) the Convention by the end of 2008 – but it has missed this target.

The Committee said the Government was not being clear about its plans for the Convention, and had upset disabled people and organisations that support them. The Committee also said that it did not think that any of the reservations to the Convention that the Government wanted to introduce were necessary.

Read the full report on line at: <http://www.publications.parliament.uk/pa/jt/jtrights.htm>

The **Joint Committee on Human Rights** is a Committee within Parliament made up of MPs and Peers that considers human rights issues in the United Kingdom.

A **reservation** is where a government wants to sign up to an international treaty but does not agree with a particular article. It then puts a reservation in place so that it does not have to follow that article.

## Ofsted says more children's services are 'inadequate'

Every year, **Ofsted** publishes a report into local council children's services, education and social care. The report looks at all local councils and gives a broad picture of how well the councils are doing.

In this year's report, Ofsted said that 4 councils were not providing enough basic services for children. These councils were judged "inadequate". In 2007's report, no councils were rated "inadequate". Ofsted also rated 8 local councils as "inadequate" for how well services keep children safe from harm (this is called "safeguarding"), compared to just four last year.

Chief Inspector Christine Gilbert said: "*I am concerned that some services provided for the most vulnerable children and young people remain inadequate. We would expect those working in children's services to address these issues as an urgent priority [and] we will be inspecting next year to ensure they make good progress.*"

Read the full assessments online at [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

**OFSTED** (Office for Standards in Education, Children's Services and Skills) checks that places that provide education and care for children and young people are doing a good job.

## British Crime Survey to include 10-16 year olds

Last year, the Government asked the public whether children under 16 should be included in the **British Crime Survey (BCS)**. The Government thought that children under the age of 11 should not be included. In December, the Government announced that it would include 10 -16 year olds in the survey from this year.

CRAE is pleased that 10 year olds are being included, although we would like the Government to include all under-16s and to use this information to develop a national plan to end all violence against children. We would also like the BCS to include questions about experiences of violence in the home. The Government has said it will think about asking extra questions in the future.

For more information, please email [cgarnelas@crae.org.uk](mailto:cgarnelas@crae.org.uk)



The **British Crime Survey** is a Government survey carried out every year about crime in the UK. It finds out important information about the amount of crime, what people think about crime (including victims and offenders) and the different kinds of crimes that people have experienced. The results help the Government make plans about how to deal with crime.

## Ed Balls announces training for Directors of Children's Services

Directors of Children's Services will take part in a 12-month training programme to develop their leadership skills and knowledge.

At the moment, most Directors of Children's Services come from an education background, rather than a social work background. This means that they might have little experience in keeping children safe from harm.

The training programme will be led by the National College for School Leadership and developed by the Association of Directors of Children's Services and the Children's Workforce Development Council. CRAE believes that children's rights must be a central part of the training, with a special focus on listening to children and keeping them safe from harm.

**Directors of Children's Services** are responsible for all the services provided for children in every local council. They look after education, social services and children leaving care, and work with the heads of these departments to make sure children are safe and have the best possible life.

## Justice Minister sets out Government's plans to open up family courts

In December, the Ministry of Justice published its plans to make **family courts** more open to the public.

Some people think that some decisions in the family courts are unfair, but because the courts are private it is difficult to understand how these decisions are made.

The Government's plans include allowing the media access to some cases in family courts. The Court will have to decide which cases the media will be allowed into. The Government is also planning to put examples of cases online without using names and personal information.

CRAE is pleased that the Government wants to respect the privacy of children involved in cases in family courts and agrees that more should be done to help people understand how decisions in courts are made.

For copies of the Government's plans, go to: <http://www.justice.gov.uk/publications/cp1007.htm>

**Family courts** are where judges and magistrates make important decisions about where children should live and be looked after if families, carers or local councils can't decide.

## Legal cases

### Government withdraws child immigration rule

The Government has removed a rule allowing families with children who have lived in the UK for 7 years to be considered for permission to stay in the UK permanently. The High Court recently said that this rule should apply to separated children (children who arrive in the UK without families or an adult who will keep them safe) as well as children in families.

An immigration minister said that removing this rule does not mean that children who would normally be allowed to stay should be removed from the country. The Government believes that changes to immigration laws and the introduction of the Human Rights Act means that the rule is no longer needed.

Read the Minister's statement:

[http://www.publications.parliament.uk/pa/cm/cmtoday/cmwms/archive/081209.htm#hddr\\_16](http://www.publications.parliament.uk/pa/cm/cmtoday/cmwms/archive/081209.htm#hddr_16)

### Court upholds ASBO 'hoodie' ban

A young person appealed against an **ASBO** banning him from wearing hooded clothing. He said that the order was unreasonable and did not allow him his right to freedom of expression under Article 10 of the **European Convention on Human Rights**. The court had found that the young person belonged to a gang that wore hoods in order to intimidate members of the public and hide their identity.

The High Court rejected the young person's appeal and said that it was appropriate to ban wearing hooded clothing as part of an ASBO.

**The European Convention on Human Rights** was created to protect human rights. All European member states must follow the Convention and if an individual feels their rights aren't respected by the country they live in, they can take them to court (this is a special court called the European Court of Human Rights).



An **Anti-Social Behaviour Order (ASBO)** is a legal order that protects the community from the anti-social behaviour of one person. Breaking an ASBO is a criminal offence.

## Local councils liable if they fail to remove children from harm

Doncaster local council appealed against a court ruling that it had not paid enough care and attention when it had returned a person to his family when he was a child. Pierce, now in his 30s, was put in care for a second time aged 6 months, where he stayed for 14 months before being returned to his parents. He left home aged 14 and has had mental health problems for many years. Experts said that if the local council had examined the situation properly, they would not have returned Pierce to his family. The court rejected the local council's appeal.

Even though these events took place before the **Children Act 1989** and the UN Convention on the Rights of the Child were introduced, the council still had to make sure all decisions were made in the best interests of the child. This decision is likely to lead to more local councils being looked at very closely.

The **Children Act 1989** says that local councils should provide services for children in need (such as children in care) and other children, and make sure the child's needs and welfare are top priority at all times.

## Coroner overruled in Adam Rickwood inquest challenge

Adam Rickwood died aged 14 years in Hassockfield **secure training centre** in 2004. He had been given a nose 'distraction' (a painful type of restraint) hours before committing suicide. A statement from Adam complaining about the **restraint** was found in Adam's cell after his death.

After his death, the coroner in Adam's **inquest** decided not to say whether the restraint he had experienced was legal. Adam's mother went to court to challenge the decision of the coroner. The High Court agreed with Adam's mother and said that the restraint went against the rules on restraint and also broke Article 3 of the European Convention on Human Rights. The High Court said there must be a new inquest.

CRAE, along with other organisations, have repeatedly called on the Government to hold an official review into the **restraint** of children in **secure training centres** and to make sure that the people and places that carry them out are held to account. The Government has not done this yet.



### Secure training centres

Prisons for 12 to 17 year olds run by private companies (these make profits for the people that own the companies).

### Restraint

Physically holding someone to stop them doing something, for example, to stop them hitting someone else or hurting themselves.

An **inquest** is an investigation into how a person died. Inquests are normally carried out when a death is unexpected.

## Young Equals - campaign update

### Got something to say about age discrimination? Experienced it? Got a story to tell?



The **Young Equals** campaign is collecting evidence of age discrimination against children and young people (under-18s) in the services and facilities they use. This includes education, health, social care, police and emergency services, public transport, parks and open spaces, restaurants, hotels and shops – anywhere children and young people can go to buy goods or use facilities or public services.

Visit the website here: <http://www.crae.org.uk/protecting/age-discrimination.html>

### How you can take action

There are loads of way you can get involved in the **Young Equals** campaign. Once you have decided how you would like to get involved, please e-mail [equality@crae.org.uk](mailto:equality@crae.org.uk) or call 020 7278 8222. ext 25.



### Steering group

We are looking for young people to join the Young Equals steering group and help make all the big decisions on the campaign. You will also be involved in meeting Parliamentarians and talking about your experiences of age discrimination and why the law needs to change.



### Support the campaign

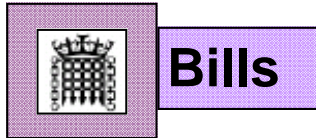
No matter how old you are, sign up to the Young Equals campaign and show your support!

<http://www.crae.org.uk/protecting/age-discrimination.html>



### Send us evidence of age discrimination

We are writing a short document about age discrimination in the services and facilities that young people use. If you have any evidence, or stories that you want to share please get in touch! We will then send this document to the Government to show unfairly young people are being treated.



If you would like to find out more about CRAE's work in Parliament, please contact our Parliamentary Adviser, Catherine Billingham at [cbillingham@crae.org.uk](mailto:cbillingham@crae.org.uk)

## Borders, Citizenship and Immigration Bill

CRAE is a member of the Refugee Children's Consortium (a group of charities campaigning for refugee children's rights) and will be supporting its work on this Bill.

We are pleased that the Bill will make immigration staff be responsible for keeping children safe from harm and promote their welfare. We would like the Government to introduce guardians for all separated asylum-seeking children (children who arrive in the country without an adult who is responsible for keeping the child safe from harm) and to stop locking up asylum-seeking children.

## Coroners and Justice Bill



CRAE wants to make sure that new systems for investigating deaths follow rules about human rights and support the needs of children in families where someone has died. Plans to change laws about murder and witness protection must protect the human rights of both child victims and child offenders.

## Health Bill

CRAE supports the idea of having an NHS **Constitution** and the NHS's responsibility to follow it. We are examining the document to look at its impact on children's rights. This constitution will be in the Health Bill, which must be looked at by members of Parliament, including the Joint Committee on Human Rights.

A **constitution** is usually a written document that has the rules and principles of how an organisation (or country) works. People have to follow the rules set out in the constitution. Constitutions normally set out people's rights and the way they are expected to treat others.

## Policing and Crime Bill



We will be working with the Standing Committee for Youth Justice (a group of organisations concerned with the youth justice system) on this Bill. One major worry is that the Bill does not change rules that allow a child over the age of 10 to be prosecuted for prostitution. We think this is wrong, because the Government keeps saying that involving children in prostitution is a form of child abuse.

## Local Democracy, Economic Development and Construction Bill

This Bill plans to place a duty on local councils to 'promote democracy' and to respond to petitions from people in the local area. CRAE supports these ideas and is pleased to hear that children and young people are also allowed to sign and launch petitions. We will be making sure that these plans stay in the Bill as it goes through Parliament, and are speaking to officials about how this will work in practice.

## Welfare Reform Bill

CRAE is against Government plans to introduce more rules and restrictions for people who will receive welfare benefits. We are very worried about the effect these rules will have on children who live in poverty. We think the rules will also add to the negative attitudes towards people in poverty. Human rights must be a top priority in giving out benefits, not threats and punishments.

## Early Day Motions

The full list of Early Day Motions can be found at:

<http://edmi.parliament.uk/EDMi/Default.aspx>.

Please ask your MP to sign the following Early Day Motion:

EDM 41 – UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

John Barrett MP

*'That this House notes the Government has promised to ratify the UN Convention on the Rights of Persons with Disabilities by the end of 2008; notes with concern that this commitment will not be fulfilled and has been postponed to spring 2009; recognises that ratifying the Convention will ensure that disabled people are legally accorded the respect and rights they deserve; is concerned at the reservations made by the Ministry of Defence, the Home Office, the Department for Children, Schools and Families and the Department for Work and Pensions; welcomes the assurances of the Minister for Disabled People that ratification remains a priority; and calls on the Government to guarantee that disabled people will receive equality, respect and full inclusion in society by ratifying the Convention in full as soon as possible.'*

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=37033&SESSION=899>

### What is an Early Day Motion (EDM)?

An EDM is a motion tabled (made) by MPs calling for a debate on a particular subject. EDMs are rarely debated but they are a good way for raising awareness about an issue and getting more support. MPs can show their support for an EDM by signing up to it (like a petition). You can write to your MP and ask them to sign up to any EDM.

## Consultations

### DCSF, School playground design materials

Closing Date: 6 April 2009

This consultation is part of the Government's play strategy, which aims to create more play areas and spaces for children and young people that are suitable for every child. It looks at ways of making all the information about children's play areas come together in one place.

You will need to have a look at this document before you respond to the consultation:

<http://www.dcsf.gov.uk/consultations/downloadableDocs/Project%20type%20final3.pdf>

Respond to the consultation here:

<http://www.dcsf.gov.uk/consultations/index.cfm?action=consultationDetails&consultationId=1585&external=no&menu=1>

## CRAE Contacts

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