

Children's rights bulletin
For children and young people
Issue 32, December 2008

Welcome to issue 32 of our children's rights bulletin. If you have any comments or feedback on the bulletin, please contact Carla Garnelas, senior policy and change officer at cgarnelas@crae.org.uk or call 020 7278 8222 ext. 25.

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Take action!



If you have 5 minutes...

Sign up as a Young Equals campaign supporter:
<http://www.crae.org.uk/protecting/age-discrimination.html>

For more information, or to join the Young Equals campaign, contact
Carla Garnelas: cgarnelas@crae.org.uk



If you have 30 minutes...time is ticking to make history – should you vote at 16?



Through its Youth Citizenship Commission, the Government is now asking whether the voting age in the UK should be lowered to 16. There are just a few weeks left to send in your views.

We need as many people as possible (that means you!) to tell the Commission that the voting age should be lowered to 16 in all UK public elections. This includes European, national and local elections.

To download our guide to the consultation, which will tell you how to send in your views and what CRAE thinks about Votes at 16, visit <http://www.getreadyforchange.org.uk/your-say/consultations>

Your views must reach the Youth Citizenship Commission by 20 January 2009.

News

Who's afraid of children's rights?

The theme for CRAE's children's rights conference this year, 'Who's afraid of children's rights?', inspired everyone who came. Young *Get ready for change!* campaigners talked about the findings from their children's rights investigation, and the Children's Commissioner for England, Dr. Filali from the UN Committee on the Rights of the Child and Tom Jeffery from the Department for Children, Schools and Families talked about what needs to be done to put children's rights more fully into practice in England.

The event ended with a discussion about what sort of society we want to live in, which included a great presentation by young campaigner Adam Roberts about why human rights matter.

Check out Adam's speech at

http://www.getreadyforchange.org.uk/news/comments/the_society_we_want_to_be/

New *Get ready for change!* website

The new *Get ready for change!* website is now live, with lots of advice for children and young people on campaigning for children's rights. There's new information about the UN Convention on the Rights of the Child (UNCRC), the Human Rights Act and the European Convention on Human Rights. Check out our new gallery, where you can watch films about the project so far: <http://www.getreadyforchange.org.uk/gallery>.



'P' case and the need for safeguarding reforms

It is really important that lessons are learned quickly from the death of the child known as 'Baby P'. CRAE is pleased that the Department for Children, Schools and Families is looking again at child protection processes for children.

CRAE will be suggesting changes to the new Children, Skills and Learning Bill. We want the law to:

- Make sure the voices of children are clearly heard and written down in child protection processes
- Make sure that Serious Case Reviews (these are reviews that follow the unexpected death of a child) should find out whether the child was given the chance to share his or her wishes and feelings, and whether these views were taken into account when decisions were being made about the child.

Government misses chance to protect children in prison

On 15 December, the Government published an independent review of the use of **restraint** on children who are locked up and its response to the findings. The review report was given to Ministers in June.

The Government has ignored calls from **NGOs**, the families of child victims, the UN and the Council of Europe by allowing deliberately painful forms of restraint to be used on children as young as 12.

In its response to the review, the Government does not mention the terrible experiences of children who have been restrained. One child told the review: 'I've had staff here lift me off my feet by my head. You fear for your life here, I'm scared they're gonna hurt me.'

CRAE's press release:

http://www.getreadyforchange.org.uk/news/comments/government_misses_chance_to_protect_children/

The restraint review: <http://www.justice.gov.uk/docs/restraint-review.pdf>

An NGO is a non-governmental organisation – a charity or other group that is not part of the Government

Restraint is physically holding someone to stop them doing something, for example, to stop them hitting someone else or hurting themselves

Child's best interests still not to be given priority when sentencing parents

Courts do not have a legal duty to make the best interests of children a top priority when they are sentencing parents.

A review on women in prison published in 2007 found that that 18,000 children each year are separated from their mothers in prison. The Corston Report also found that only 5% of prisoners' children stay in their home once their mother has been sentenced to custody. The review describes the impact on children of their mother being locked up as "catastrophic".

The Government recently updated its response to this report. In the new response, the Government disagreed with the recommendation that parents with young children should only be locked up after there has been a detailed report into the potential impact on the child.

Read the Government's report here:

<http://www.justice.gov.uk/docs/delivering-the-government-response-to-the-corston-report-web.pdf>

EU Equality law

The European Union is planning to introduce new rules about equal treatment between people regardless of their religion, belief, disability, age or sexuality. If these rules are passed, they will eventually become law in the UK and in other European countries.

One part of the new rules aims to prevent age discrimination against children and young people (under-18s) in the goods they buy and the services and facilities they use. The Government has already excluded children from getting legal protection from age discrimination in its plans for a new equality law – we want to make sure that the Government does not exclude children from this new European law as well.

The Young Equals campaign, co-ordinated by CRAE, has sent information to European NGOs and European politicians asking them to support including children in the Directive.

Sign up as a Young Equals campaign supporter:

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

For more information, a copy of the briefing, or to join the campaign, contact Carla Garnelas cgarnelas@crae.org.uk

Tasers can be used more widely

Ignoring calls to ban Tasers, the Home Secretary Jacqui Smith has allowed police forces in England and Wales to extend the use of Tasers to specially trained police who are not firearms officers.

The Metropolitan Police has refused the Home Secretary's offer because it is worried that wider use of Tasers will cause fear and damage public confidence in the police.

The UN Committee on the Rights of the Child has criticised the use of Tasers, especially on children. Using Tasers on under-18s ignores children's rights under the European Convention on Human Rights (ECHR) and the UNCRC.

Find out more about the ECHR:

http://www.getreadyforchange.org.uk/childrens_rights/european_convention_on_human_rights

Find out more about the UNCRC:

http://www.getreadyforchange.org.uk/childrens_rights

Tasers are weapons that give out a 50,000 volt electric shock when fired

Bill of Rights – children’s rights coalition

CRAE has formed an alliance with UNICEF and Save the Children to do everything we can to make sure that plans for a British **Bill of Rights** and Responsibilities include children’s rights and make the UNCRC part of UK law.

CRAE has already met with Ministers about this issue, and the Bill of Rights coalition met for its first working meeting in December. The coalition will soon be writing to the Government to offer support to make sure plans for a Bill of Rights achieve change for children in England.

To join the coalition, e-mail Katy Swaine, CRAE’s legal director, at kswaine@crae.org.uk.

What is a Bill of Rights? A Bill of Rights is a document that sets out the human rights that citizens of a country have. This can include their political and civil rights, their social rights, their economic rights, and their cultural rights.

Identity cards become a reality

The Government has started to issue identity cards to foreign nationals (from outside Europe) living in the UK. Ministers think that between 50,000 and 60,000 cards will have been given out by March. The ID cards are based on **biometric data**.

The news comes weeks after the Identity Minister, Meg Hillier, said that the cards could eventually be issued to 14 year-olds. The first ID cards will be offered to 16 and 17 year-olds from 2010. CRAE is very worried that ID cards are a threat to the privacy rights of children.



Biometric data is physical features unique to you, such as your fingerprints, your irises and your face. They can be recorded and used to identify you, for example, on your passport, or if you are in trouble with the law.

Bringing the children’s workforce together through integrated working

The Children’s Workforce Development Council has launched a campaign to encourage everyone working with and for children and young people to work together really well. The new campaign wants to make sure that children ‘only ever have to tell their story once’.

For more information, go to: www.integratedworking.com

Integrated working is when everyone supporting children works together well to put children at the heart of what they do so that they can improve children’s lives.

Report on children's mental health services published

The final report of a review of children's mental health services (called CAMHS) has been published. It says that although services to support children's mental health have improved, they are still not as good as they should be.

The report says that the needs of children should be taken more seriously, and children must get the right information and support. They should also be able to find and use services more easily. It says that care must be taken to make sure 16 and 17-year olds are receiving services that are right for their age.

The Government agrees with most of the report's recommendations. It has said it will set up a special body to make sure the recommendations are put into practice by the end of the year.

Pre-Budget Report

The Government's Pre-Budget Report included announcements affecting children:

- Small increases in Child Benefit were brought forward by three months to January 2009
- The Child Tax Credit increase of £25 was brought forward by a year.

Child poverty campaigners said the report was a 'missed opportunity' and that more could have been done to help the poorest children.

The report said that 18% of families do not claim all the benefits to they are entitled to. A new body will look at how local councils can encourage more of these families to claim tax credits and benefits.

The report announced that all parts of personal, social and health education (PSHE) will be made compulsory by law, including learning about managing finances.

Read the report at:

http://www.hm-treasury.gov.uk/prebud_pbr08_repindex.htm



Every year the Government announces major financial plans for the country. There are two main announcements, the Budget and the **Pre-Budget Report**. The **Pre-Budget Report** gives progress since the main Budget announcement (normally made in March), an update on the state of the economy and sets out plans for changes to the tax system.

Benefits - money the Government pays to people to make their lives easier. There are lots of different types of benefits – for people who don't have a job, who don't earn much money, for those bringing up children, for people who are sick or disabled, retired, or who look after someone else.

Child tax credit is an extra benefit that some families get, depending on how much money the family has, and how many children are in that family.

UK's negative views of children highlighted

Findings from a Barnardo's poll have shown that adults have very negative views of children. The poll found that 49% of people agreed that children were a danger to themselves and adults. 45% disagreed with the statement: 'People refer to children as feral but I don't think they behave this way.'

CRAE welcomes Barnardo's campaign to deal with society's intolerance of children, particularly because of our own research with children and the UN's recommendation that the Government must do something to address this problem. CRAE would like the Government to bring in laws to protect children against unfair age discrimination.

Negative representation of children and young people in the media, including "naming and shaming" children in local and national papers, is one of the issues CRAE's young campaigners will be tackling over the coming months:
<http://www.getreadyforchange.org.uk/campaigns/age-discrimination>

Forced Marriage (Civil Protection) Act 2007 comes into force

The Forced Marriage (Civil Protection) Act 2007 has now become law. This law aims to protect the victims of forced marriage and to prevent such marriages from taking place. Courts will be able to make orders to stop someone from forcing another person into marriage.

The new powers have already been used in the case of Dr Humayra Abedin, a 33 year-old Bangladeshi woman. She was being held against her wishes in Bangladesh by her parents. A Bangladeshi court took account of an English High Court order issued under the new Forced Marriage Act, when deciding to order Dr Abedin's release from her parents.

CRAE supports the Government's action on forced marriage. We think that this law sends out a strong message that forced marriage is wrong and that physical and emotional abuse is unacceptable.

We want to make sure that all professionals who come into contact with children and young people at risk of forced marriage are well trained, understand child protection policies and are able to place the child at the centre of any decisions.

BBC news report 15 December 2008:
<http://news.bbc.co.uk/1/hi/uk/7783351.stm>.

Young *Get ready* campaigner highly commended at People of the Year Awards

Nathan Giles, a 12 year-old *Get ready for change!* campaigner, has been highly commended at the RADAR Human Rights People of the Year Awards for his work on children's rights. He was given his commendation by the Disability Minister, Jonathan Shaw MP. In June, Nathan became the youngest person ever to address the UN Committee on the Rights of the Child in a pre-session meeting.

Nathan was nominated for the Young Person of the Year Award. The Young Person of the Year Award is given to a young disabled person under the age of 30 who is committed to improving human rights. The winner is 27 year-old Ben Fletcher, a master inventor at IBM.

To find out more, visit: <http://www.radar.org.uk/awards-2008>

**Nathan and Andy
(Blue Peter
presenter)
at the
RADAR awards**



Diana award for young CRAE trustee

Eighteen year-old CRAE trustee Laura Partoon has won a Diana Memorial Award for her community volunteering and campaigning work. Laura has recently set up a local campaign called 'Stress and strain of school' to promote and improve the mental health and wellbeing of students. Laura has been campaigning for support for students in her own school for over a year and now the school is bringing in a confidential counselling service. She now wants to make sure other schools put in place the same kind of service.

Find out more about Laura's campaign:

<http://battlefront.co.uk/campaign/stress-and-strain-of-school/>

Find out more about the Diana Award: <http://www.diana-award.org.uk/news/index.aspx>

Legal advocacy

Mosquito devices – Liberty seeks test case

Human rights charity Liberty is looking for a young person who is prepared to challenge mosquito devices in the courts. The young person would need to live near a mosquito device or have one near their school, college or place of work.

Liberty wants to bring a court case to argue that the mosquito is a statutory nuisance under the Environmental Protection Act 1990 and should be taken down. Human rights arguments are also likely to be used in the case.

Liberty would act as the young person's lawyers without charging them and would do all the preparation for the case. The young person would, however, need to attend court in order to describe what the mosquito is like and say why it is so unpleasant.

If you or someone you know might be interested in doing this, please contact James Welch at: jamesw@liberty-human-rights.org.uk

House of Lords refuses Government permission to appeal against restraint ruling

After a Court of Appeal ruling in July, which said new Government rules to allow children to be restrained in secure training centres for "good order and discipline" were unlawful and couldn't be used, the Government asked the House of Lords for permission to appeal.

The House of Lords has refused permission for the Government to appeal against the Court of Appeal's ruling. CRAE, other NGOs and the families of children who have died in prison, welcome this decision.

The new restraint rules were said to be unlawful because they go against the right not to suffer from inhuman and degrading treatment under article 3 of the European Convention on Human Rights, read together with the UNCRC.

Secure training centres are prisons for 12 to 17 year olds run by private companies (these make profits for the people that own the companies)

Police DNA database ignores children's privacy rights says European Court

On 4 December, the European Court of Human Rights gave an important ruling about how the police in the UK keep fingerprints and DNA samples.

The case was brought to the European Court by S and Michael Marper, who had both been arrested and had fingerprints and DNA taken from them by the police. S was 12 when he was arrested. Although they were both found not guilty, the police refused to destroy the fingerprint and DNA samples.

The European Court ruled that S and Michael Marper's right to privacy under article 8 of the European Convention on Human Rights had been ignored. The Court also said that it was especially important to protect a child's right to privacy, as ignoring this can be particularly harmful to a child.

The ruling on police keeping fingerprints and DNA may affect thousands of people whose personal information is held on police databases in the UK.

Carers given immediate protection against discrimination and harassment at work

Ms Coleman is the main carer of her 5 year-old disabled son. She said that her employer broke disability discrimination laws by not treating her as well as mothers of non-disabled children. She took her case to the European Court of Human Rights.

The European Court agreed with Ms Coleman and said that treating employees unfairly because of their association with a disabled person is illegal under European law.

Ms Coleman's case then went back to an Employment Tribunal in the UK for a decision on whether UK laws would have to change following the decision by the European Court.

On 27 November the Employment Tribunal decided that legal protection for carers against discrimination 'by association with disability' can be given under current UK law and that new laws would not need to be introduced to give this legal protection.

This means that carers can challenge their employers if they think they are being treated unfairly because they are looking after a person who is disabled. This ruling could have a massive impact on millions in the UK who look after disabled relatives.

Court of Appeal relies on UNCRC in reviewing child prison sentence

'PF' was one of three defendants pleading guilty to drug-related charges. He was 15 when he was sentenced and was given an 18 month detention and training order for conspiracy to supply class A and class C drugs. He appealed against his sentence, partly on the grounds of his age.

PF's lawyers argued that the sentence was very harsh. The lawyers said the court should have considered laws which say that judges must consider young people's welfare when deciding on a sentence. They also said the court should pay attention to international human rights law, particularly the UNCRC.

The court disagreed with the lawyers' arguments. However, it said that it supported the principle of the appeal and reduced PF's sentence to 12 months.

A detention and training order is a sentence that can be given to children aged 12 to 17. The length of the sentence can be between 4 months and 2 years. The first half of the sentence is spent in custody (locked up) while the second half is spent in the community under the supervision and support of a youth offending team.

High Court ruling on school transport for children with disabilities

This case looked at whether providing school transport for children with disabilities to attend after school activities is included in the definition of a 'service' under the Disability Discrimination Act 1995 (DDA).

The court then had to consider whether people who provide this service have a legal duty to make sure that it is accessible for children with disabilities. The Court found that such transport *is* a service under the DDA and so transport providers do have a legal duty to make sure it is accessible. A decision will now be made about what kinds of things transport providers must do to increase accessibility.

Parliament

The Queen's Speech 2008

On 3 December, the Queen announced Government's plans for new laws in 2009. CRAE sent out information to parliamentarians outlining the children's rights issues which may come up in the following Bills:

**Borders, Immigration and
Citizenship Bill**
Child Poverty Bill
Children, Skills and Learning Bill
Communications Data Bill (Draft)
Coroners and Justice Bill
Equality Bill

Health Bill
**Local Democracy, Economic
Development and Construction
Bill**
Policing and Crime Bill
Welfare Reform Bill

For more details, see our briefing on the Queen's Speech at: www.crae.org.uk

Children and Young Persons Act 2008

The Children and Young Persons Act 2008 says that all Secretaries of State must promote the well-being of children in all their work. As the Bill was going through Parliament, CRAE pushed for a change to the Bill that would have included the UNCRC in the job description of every Minister. This change was not accepted.

CRAE also wanted the following things to be included in the new law:

- Contracted-out social work practices to be covered by the Human Rights Act
- Children to be given equal protection under the law on assault
- A duty on local authorities to support contact between brothers and sisters.

We were very disappointed that there was no time available to discuss or vote on any of the above issues. The Bill received Royal Assent on 13 November.

Once a Bill has been through all the stages in the House of Commons and House of Lords, it is given **Royal Assent** by the Queen. This is when a Bill becomes an Act of Parliament.

Education and Skills Act 2008

The Education and Skills Act 2008 has now been passed. This Act will raise the school leaving age, so that from 2015, all young people under 18 will have a legal duty to take part in education or training. CRAE is worried that, under this new duty, young people who do not (or are not able to) take up education or training will be given a criminal record. The Government has said that it will look at how powers to make young people take part in education are being used by 2016.

Under this new law, CRAE successfully campaigned for stronger participation rights for children in schools. As a result:

- School governors will have a legal duty to ask for and consider the views of students
- The Government will consult on children's right to appeal their own exclusion from school, to appeal the decisions of Special Educational Needs and Disability Tribunals, and to appeal decisions about whether they can go to a particular school (admissions)
- There has been new advice about exclusions (called statutory guidance) which says that parents can no longer stop their child taking part in an exclusion meeting.

CRAE will be campaigning to make sure that school governors have to ask the views of students on the widest possible range of issues in schools.

A special education needs tribunal is an independent body. It considers parents' appeals against the decisions local councils make about a child's special educational needs and the type of support that child should have.

Human Fertilisation and Embryology Act 2008

- The Human Fertilisation and Embryology Act 2008 will allow donor-conceived people aged 16 and over to find out whether they are related to a person they plan to have a sexual relationship, marry or have a civil partnership with. Both partners will have to agree to have tests carried out

A donor-conceived person is conceived through the donation of sperm (sperm donation) or ova (egg donation), or both, either from two separate donors or from a couple.

- There may be occasions where parents will have to give consent to information being shared about 16 and 17-year olds
- From the age of 16, a donor-conceived person will also be able to ask for information about their donor-conceived half-brothers and sisters as long

as that information could not be used to identify the donor or the half-brothers and sisters

- Young people will have to wait until they turn 18 to ask for any identifying information, or to find out whether they were or may have been donor-conceived
- This information will only be available to people who were conceived after the Human Fertilisation and Embryology Act 1990 came into force
- The new Act will also allow for a second female parent, e.g. a civil partner, to be named on a child's birth certificate and be treated as a legal parent of that child.

Early Day Motions

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

EDM 117 - END CHILD POVERTY - KEEP THE PROMISE CAMPAIGN

Dai Davies MP

That this House notes the Prime Minister stated in his speech to the Labour Party Conference in Manchester on 23 September 2008 that '*because child poverty demeans Britain, we have committed our party to tackle and to end it*', and announced his intention to introduce ground breaking legislation to enshrine in law Labour's pledge to end child poverty; welcomes this commitment, while recognising one in three children in the UK still live in poverty; congratulates the organisers of the march in London on 4 October 2008 with the theme of End Child Poverty - Keep the Promise; further notes the importance of the petition handed in to 10 Downing Street by the Campaign to End Child Poverty; further notes that 110 organisations are part of the campaign-organising coalition; calls for special attention to be paid to the necessity for warm, dry and safe homes, a nutritious and balanced diet, access to books and computers, at least one annual holiday, access to public transport, and safe places for recreation; and calls on Mr Chancellor of the Exchequer to make ending childhood poverty his number one priority in his 2009 Budget.

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=37109&SESSION=899>

Publications

What do they know?

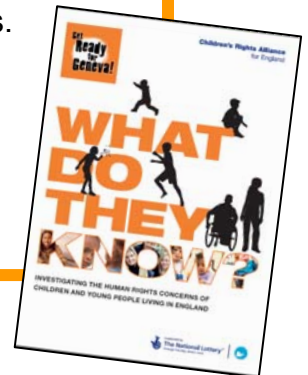
We are very excited to announce that we have just published the report '*What do they know? Investigating the human rights concerns of children and young people in England*'. The report sets out the full findings from the *Get ready for Geneva* children's rights investigation.

CRAE will be using the evidence from the report to support three *Get ready for change!* campaigns:

- The media and age discrimination
- Counselling and confidentiality
- The right to education for young refugees and asylum seekers.

You can keep up to date with the campaigns by visiting <http://www.getreadyforchange.org.uk/campaigns>.

For a copy of the report please email Sabeena Kistnah at: skistnah@crae.org.uk



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