



Children's Rights Bulletin

For children and young people

Issue 35
April 2009

Welcome to issue 35 of our children's rights bulletin. It has been another busy time for CRAE. We have been making plans for the 20th anniversary of children's rights, and the Get ready campaigns have been developing nicely. 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 or call 020 7278 8222 ext. 25

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Major charities join CRAE to say 'Make the UNCRC part of UK law'

CRAE has formed a coalition (a partnership) with major UK charities and children's rights activists to call on the Government to make the UN Convention on the Rights of the Child (UNCRC) part of UK law. Coalition members include the National Children's Bureau, NSPCC, Scope, Save the Children UK and UNICEF UK

The coalition has written a statement in response to the **Green Paper** on a future UK **Bill of Rights and Responsibilities**. The coalition wants the Government to use this opportunity to make the UNCRC part of UK law.

Green Paper

A Green Paper is a document in which the Government sets out its plans on a particular issue. It is produced so people can have their say on how it can be changed and improved before the Government makes its final plans.

A Bill of Rights is a law which sets out all the rights and freedoms of people the country it applies to. It also reflects the specific needs and situations of the people in that country. The UK Government thinks that a **Bill of Rights and Responsibilities** should also outline our responsibilities as well as our rights.

To read the full statement, visit www.crae.org.uk

Read the Green Paper:

<http://www.justice.gov.uk/publications/rights-responsibilities.htm>

Contact Katy Swaine, CRAE's legal director, for more information about the coalition: kswaine@crae.org.uk

The **UNCRC** is an international human rights treaty for all children and young people aged 17 and under. It gives children and young people a full set of economic, social, cultural, civil and political rights that include the right to express their views and have them taken seriously.



Take action on children's rights

Heads Up, The Hansard's Society's interactive website is asking young people to send in suggestions for topics to be discussed and debated by young people, teachers and Parliamentarians online. If chosen, your topic will be debated online. Register and get debating: http://www.headsup.org.uk/content/default.asp?page=s1_3&forumid=35.

Age discrimination update



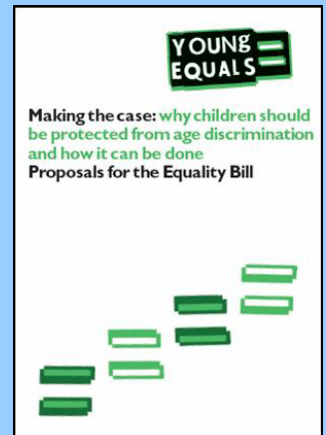
Young Equals is a group of charities and children who are campaigning to stop age discrimination. Young Equals is coordinated by CRAE. For more information on Young Equals, or to join the campaign, e-mail equality@crae.org.uk

Young Equals: Making the case

Making the case, published by the Young Equals campaign, sets out evidence of age discrimination against children in the services and facilities they use.

The document includes evidence from children and young people gathered as part of the Young Equals Day of Action, held in August 2008.

Download a copy of *Making the case*:
www.crae.org.uk/protecting/age-discrimination.html



Have you ever been treated unfairly at school because of your age?

The Young Equals campaign is collecting evidence of age discrimination against children and young people (aged under 18) in schools and children's services.

Do you or any of your friends have experiences of being treated unfairly compared to other children because of your age at school? Please send any evidence to equality@crae.org.uk.

Equality is making sure everyone has the same chances, and is treated fairly by society, no matter what their age, race, wealth, gender, beliefs, religion, sexuality or disability.



Age discrimination

is not fair.

News

Children's Minister gives evidence to JCHR children's rights inquiry

On 24 March, Children's Minister Baroness Morgan gave spoken evidence on children's rights to the parliamentary **Joint Committee on Human Rights (JCHR)**.

The JCHR asked the Minister questions about:

- The treatment of children in custody
- The criminalisation of children
- Making the UNCRC part of law
- The treatment of young refugees and asylum seekers
- Government's plans to respond to the **concluding observations** from the UN Committee on the Rights of the Child
- Discrimination against children because of their age
- The negative attitude towards children in British society.

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.

To read the Children's Commissioner's evidence to the JCHR:

www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/uc338-i/uc33801.htm

To read the Minister's evidence to the JCHR: www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/uc338-ii/uc33801.htm

Concluding observations

Recommendations made by the UN Committee on the Rights of the Child to governments.

CRAE's response to Lord Laming's report

On 12 March, Lord Laming produced a report called *The protection of children in England: A progress report*. The document made 58 recommendations for improving child protection services in England including suggestions for better inspection services and improving the quality of **serious case reviews**.

A serious case review is carried out when a child dies (including suicide), and abuse or neglect is known or suspected. They are also carried out when a child has serious or life-threatening injuries as a result of abuse or neglect, serious sexual abuse, or if a parent has been murdered.

CRAE has welcomed the report, but is concerned that Lord Laming has missed out some really important areas. The Government promised that after the "Baby P" case, child protection services would be look at more carefully and improved. This review, like many others, has not recognised that an understanding and respect of children's rights should be at the heart of keeping children safe.

The Government has said they recognised that all 58 recommendations are areas they can improve on, and will publish a full response to them soon.

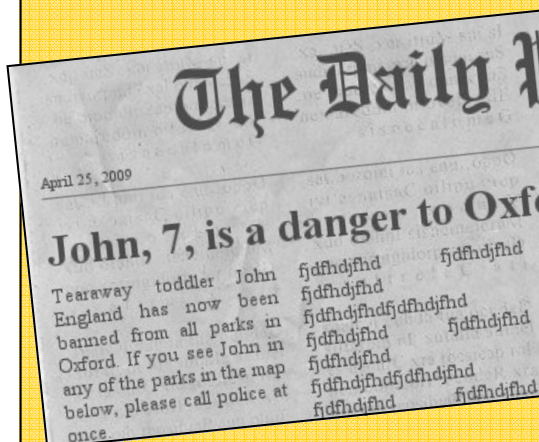
Download the report: <http://publications.everychildmatters.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publicationsandProductId=HC+330&>

Get ready for change!: Naming and shaming

Children and young people from CRAE's Get ready for change! project are campaigning to make sure children's human rights are better respected by the media. They are worried that articles that "name and shame" children who have received or ignored an **ASBO** ignore their human rights. As part of their Report Right campaign, CRAE's young activists would like to interview children and young people that have had such articles about them published in the local and national press.

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

If you know a child or young person who would be willing to talk to CRAE's young campaigners about their experiences, please contact Sam Dimmock, head of policy and public affairs, on 020 7278 8222 extension 23, or at sdimmock@crae.org.uk.



Naming and shaming

"Naming and shaming" means that personal information about a child or young person can be made public. This information can include:

- Name
- Address
- Map of where the child or young person cannot go
- The things the child or young person is not allowed to do.

CRAE reviews how children's rights work locally

Beyond article 12: the local implementation of the UNCRC in England is a nationwide survey of **Directors of Children's Services** and their knowledge of the UNCRC. It shows that knowledge about the UNCRC at a local level varies a lot, and that children's rights do not regularly form part of big decisions, or day-to-day work with children and young people. CRAE found that:

- 45% of local authorities have not adopted the UNCRC
- 77% do not mention the UNCRC in their **Children and Young People's Plan**
- Of the local authorities that did provide training on children's rights and had adopted the UNCRC, only 14% felt they had an excellent understanding of children's rights.

Every local council must have a **Children and Young People's Plan** to make sure children and young people get the best help and opportunities, and that different parts of the council are working together to improve children's lives. Children and young people must be involved in developing the plan.

A **Director of Children's Services** is responsible for all the services provided for children in a 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.

For a copy of *Beyond article 12* please contact Dr. Ciara Davey, senior children's rights investigator, at cdavey@crae.org.uk

Flexible working hours for parents with older children

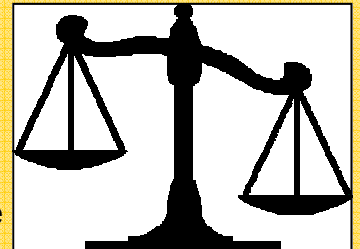
CRAE welcomes the Government's plans to make **flexible working** available to parents with children aged 16 and under. At the moment, only parents with disabled children or with children under six can ask their bosses for flexible working hours.

Under the new rules, an extra 4.5 million parents will have the right to ask for flexible working, but employers can still refuse if it will negatively affect the business. CRAE wants the Government to make sure parents are not being unfairly refused flexible working hours as a result of the credit crunch.

Flexible working is where working hours fit around a person's needs (such as caring for a child or sick relative). Examples of flexible working are part-time work, sharing a job with another person or working from home.

Opening up of family courts to start on 27 April

The Secretary of State for Justice, Jack Straw, has announced that **family hearings** that usually take place in private will now be open to the media. Before this, reporters from newspapers and TV could not sit in the courts when sensitive family cases were taking place.



Courts will be able to limit who comes into the courts in some situations, and the Government has said that the privacy of children will be respected.

The Association of Lawyers for Children (ALC), CRAE and others are concerned that the rights and views of children involved in the case should still be a top priority, while showing everyone that the family courts have nothing to hide.

Family hearings are the sensitive discussions that happen in the family court which will decide where a child should live. People involved (or representatives of people involved) can have their say and tell their side of the story.

For more information about the proposals:

www.justice.gov.uk/news/newsrelease060409b.htm

For more information about the ALC's position: www.alc.org.uk

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

COE Convention against Trafficking in Human Beings takes effect

The Council of Europe Convention against Trafficking in Human Beings has now come into force. This will give legal rights to victims of **trafficking** and will help the UK's ability to catch criminals that take advantage of victims of trafficking. The Government has announced plans to support work on trafficking, including:

- Creating a national system for helping identify victims of trafficking
- More funding for services for victims of trafficking.

CRAE welcomes the Government's plans but is still concerned that not enough is being done to make sure that victims of trafficking, especially children, are not being locked up in prisons and **immigration removal centres**.

Immigration removal centre

This is a place where people waiting to be deported are kept until they can go to another country. Sometimes people are kept here for a long time, in prison-like conditions.

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.

National police DNA database includes details of infant

In March, newspapers reported that the **National DNA Database** includes the records of an infant whose DNA was taken when he was under a year old. CRAE has serious concerns about databases that hold sensitive information about children, such as DNA.

Earlier this year, the **European Court of Human Rights** said that the DNA of innocent children should not be kept on the database. CRAE wants the Government to take action quickly on this decision.

See CRAE's press release on the European Court ruling:

www.getreadyforchange.org.uk/images/uploads/PRESS_RELEASE_on_DNA_European_Court_ruling.pdf



National DNA database

This is a database which holds the information of people who have been taken into police custody or who have been present at crime scenes, whether they are innocent or guilty. It is the largest database of its kind.

European Court of Human Rights

This is a special court (based in Strasbourg, France) where individuals can go if they feel that the country they live in is not respecting their human rights. A person can only go to the European Court once he or she has tried to solve the problem in their own country first.

Plans for more young mayors unveiled

The Government has announced a £2million fund to encourage and support at least 20 new young mayors across England. There are currently 12 young mayors who have the power to influence local policies affecting children and young people.

Hazel Blears, Secretary of State for Communities and Local Government said "*Young mayors are a way of giving real power to young people. Giving people opportunities to have their say and get involved leads to stronger local democracy and, crucially, better local services*".



CRAE is pleased to hear that the Government is creating more ways to support children to get their voices heard and be involved in their local community. We want to remind those in power that this is only one of many ways of **empowering** young people from all different backgrounds to get involved in local decision-making.

Empowerment means people becoming more informed and involved and able to take action. People who are empowered usually feel good about themselves and enjoy being part of making change happen – in their own lives, and in the wider community and society. Being respected is a big part of being empowered.

Legal Advocacy

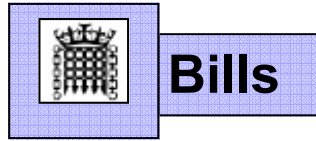
High Court finds eligibility criteria for children's disability services unlawful

A 15 year old boy with autism and his mother brought a case against Islington Council to challenge the way the Council decides who can receive disability services. The Council had limited its services by setting new strict rules (called "criteria") about who could receive them. The Court found that the Council's new criteria were illegal and also said that the Council was not following its legal duty to promote disability equality.

This judgment means that all local councils need to look again at how decisions are made about who can receive disability services. The Government is being asked to write guidance to help local councils do this properly.

Parliament

If you would like to find out more about CRAE's work in Parliament, please contact Catherine Billingham, CRAE's parliamentary adviser, at cbillingham@crae.org.uk.



Apprenticeships, Skills, Children and Learning Bill

CRAE is lobbying on lots of issues on this Bill, including the use of force by teachers and giving teachers new powers to search students in schools.

Through Participation Works, CRAE is also working to make sure that the right of children to be heard is part of how local **Children and Young People's Plans** are developed (see definition on page 4) . Children views should also play a large part in the development of the new school complaints systems for students and parents.

The Schools Minister has said that guidance will make it clear that children and their parents or carers should not suffer any unfair treatment as a result of making a complaint against a school. However, the Government is currently planning to exclude academies from the new school complaints system.

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2008-09/apprenticeshipsskillschildrenandlearning.html>

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 want to make sure that the Bill will make immigration staff responsible for keeping children safe from harm and promote their welfare.

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2008-09/borderscitizenshipandimmigration.html>

Equality Bill

CRAE is co-ordinating the Young Equals coalition to make sure that the Equality Bill gives legal protection from age discrimination protection to under-18s.

The Equality Bill was published on April 27. Our detailed plans for lobbying on the Bill will be included in the next bulletin.

See page 2 of this bulletin for more information on the Young Equals campaign.

Policing and Crime Bill

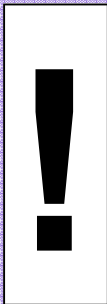
CRAE is working with the Standing Committee on Youth Justice (a group of organisations campaigning to improve the youth justice system) on this Bill. We want to make sure that plans for police councils to take account of the views of the public do not have a negative effect on children and young people.

We are not sure that giving police extra powers to take away alcohol from young people is the best way to deal with young people drinking in public. We also want the Government to make sure that under-18s are not prosecuted for offences connected with prostitution.

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2008-09/policingandcrime.html>

Consultations

Violence against women and girls – have your say now



The Government wants to find out what children and young people think about violence against women and girls and hear suggestions for how it can be stopped. Violence can be physical or emotional.

Here are some of the ways you can get involved in this consultation:

The Children Are Unbeatable! Alliance (CAU) campaigns to make hitting children illegal. CAU is asking children what they think about violence against children so they can send their views to the Government. If you would like to be involved in CAU's work, go to:

<http://www.childrenareunbeatable.org.uk/children/update2.html> or contact Elinor on 07504 738 742, elinor@childrenareunbeatable.org.uk.

You can find the Government's consultation here:

<http://www.homeoffice.gov.uk/documents/cons-2009-vaw/>

You can fill in the Government's short online survey here:

<http://www.homeoffice.gov.uk/keepwomensafe/survey/index.php>

You can attend a consultation event near you:

<http://www.homeoffice.gov.uk/documents/violence-against-women-bus>

If you have any more questions, please e-mail Carla Garnelas at cgarnelas@crae.org.uk

Speak up about physical abuse of children!

The Children are Unbeatable! Alliance is looking for children and young people with experience of the care system to **speak up about the physical abuse of children**. YOU could help to change the law and make a real difference to children in the future.

You choose exactly what you do and how much time it takes. You don't have to give your name. For more information go to: <http://www.childrenareunbeatable.org.uk/children/update.html#news2> or contact Elinor Milne on 07504 738 741 (phone/text) or elinor@childrenareunbeatable.org.uk.

Early Day Motions

An Early Day Motion or 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 to raise awareness about an issue and get more support. MPs can show they support an EDM by signing up to it like a petition.

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 1239 - **ContactPoint** database

Annette Brooke MP

That this House notes the announcement of another delay to the implementation of ContactPoint because of further concerns about the accuracy and security of the database; expresses concern over the safety implications of such a vast database containing potentially sensitive information in the light of security breaches in various Government departments; further expresses concern over the Joseph Rowntree Foundation's recent report stating that the database is almost certainly illegal under human rights and data protection law; further notes continued concerns over the projected cost of ContactPoint; further notes the conclusion of the House of Lords Select Committee on the Merits of Statutory Instruments that the Government has not conclusively demonstrated that a universal database is a proportionate response to the problem being addressed; and therefore calls on the Government to scrap the database.

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=38361&SESSION=899>

What is ContactPoint?

ContactPoint is a national database that will hold information about every child in England aged 17 and under. This information will include each child's name, address, date of birth, parents/carers, and details of some services each child uses.

Publications

Guide to children's rights at the police station

Ever wondered what your rights are in a police station? The Children's Legal Centre has recently updated its guide *At the police station: Children and young people's rights*. It explains what your rights are if you are detained by the police, including information on how long a child can be held in a police station for, how a police interview should be recorded, and when a child can take part in an ID parade.

Find out more here: www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/What%20are%20childrens%20rights%20at%20the%20police%20station.pdf

'Life in...' reports - What is it really like living away from home?

The Children's Rights Director's has created a series of reports sharing children and young people's on what it can be like to live away from home.

There are four reports:

Life in children's homes <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Life-in-children-s-homes>

Life in secure care www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Life-in-secure-care

Life in residential special schools www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Life-in-residential-special-schools

Life in residential further education www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Life-in-residential-further-education

CRAE thinks the reports are a really good example of how to listen to children's views and experiences.

Secure care homes

Locked children's homes run by local councils. They have to follow the same rules as all other children's homes.



Standing together: a report on gun and knife crime

11 MILLION, the office of the Children's Commissioner for England, has published a new report which shares children and young people's views about gun and knife crime in England. The report shares the views and experiences of 1,700 children and young people aged between 8 and 17, and looks at issues such as:

- Safety
- Children's views on the police
- Children's solutions to gun and knife crime.



You can read the full report here: www.11million.org.uk/resource/adilulgxs619iyan2t3m1iv4.pdf

Events

Free children's rights training day!

There are 25 places for children and young people on CRAE's free children's rights training day on 27 May 2009 in London. The day will include:

- Understanding children's rights and how they're protected
- Being taken seriously by decision-makers
- The opportunity to interview an MP
- Finding out how to make change happen.

For more details, please contact Sabeena Kistnah on 020 7278 8222 extension 29 or at skistnah@crae.org.uk.

Download the application form: <http://www.getreadyforchange.org.uk/news/article/free-childrens-rights-training-day/>



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