



Children's Rights Bulletin

For children and young people

Issue 31
November 2008

Welcome to issue 31 of our children's rights bulletin. October was an exciting month for children's rights: the UN Committee on the Rights of the Child gave the UK 124 recommendations for action on children's rights. Find out more in our news section! 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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Government comments on CRC concluding observations

Following the publication of **124 concluding observations** from the UN Committee on the Rights of the Child, the Children's Minister Beverley Hughes MP sent a written statement to Parliament on 7 October. She said:

I broadly welcome the concluding observations and, while areas of difference with the Committee remain, we will give the Committee's recommendations the careful consideration they deserve. This process will include a dialogue with non-governmental organisations and the four United Kingdom Children's Commissioners.

The Minister also said that the Government would report on how much progress had been made on the Children's Plan later this year.

CRAE is pleased that the Government wants to talk to **NGOs** and children and young people about the concluding observations.

However, we also want the Government to say what action it is going to take on every recommendation.

Read Beverley Hughes' statement: <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081007/wmstext/81007m0001.htm#08100730000084>

Concluding observations are recommendations made by the UN Committee on the Rights of the Child to governments on where they need to do more to protect children's rights.

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



Take action: sign this e-petition to ban the mosquito device!

Go to the Number 10 website and sign this petition asking the Government to ban **mosquito devices**. The petition only has 41 names at the moment – so please send it to as many people as possible and ask them to sign it!

<http://petitions.number10.gov.uk/ANTITEENDEVICE/#detail>

A **mosquito device** is an ultrasonic device that works by making a high-pitched ringing sound. It can only be heard by under-25s. Mosquito devices are used to stop teenagers from gathering in public places.



Voices of children influence the UN Committee

In their submission to the UN Committee on the Rights of the Child in June, children and young people set out 14 recommendations that they wanted the UN to make to the Government in relation to children in England.

All 14 recommendations, and many of the other issues raised in the report were included in the Committee's concluding observations.

CRAE's young *Get ready for change!* campaigners are now planning their national children's rights campaigns. These are:

1. Age discrimination and the media
2. Confidential counselling services for all children and young people
3. Access to high quality and wide-ranging education for young refugees and asylum seekers.

More information about these campaigns will be on the *Get ready for change!* website at the end of November: <http://www.getreadyforchange.org.uk>



Government reshuffle

At the start of October there was a Government reshuffle. The new ministers are now settling into their posts:



Baroness Delyth Morgan is the new parliamentary Under-Secretary of State for Children, Schools and Families. She will have shared responsibility for the UN Convention on the Rights of the Child with Beverley Hughes MP, Minister for Children

Sarah McCarthy-Fry MP is the new parliamentary Under-Secretary of State for Schools and Learners. She will work on schools and also focus on educational needs and young disabled people



Jonathan Shaw is now Minister for Disabled People. He will be responsible for ratifying (agree to follow) the UN Convention on the Rights of Persons with Disabilities.

42 day detention limit rejected by Lords

On 13 October 2008, the House of Lords voted on the Government's plans to lock up terror suspects for up to 42 days, rejecting them by almost 200 votes.

CRAE is very pleased that this measure from the Counter Terrorism Bill has been removed, especially as the Bill covers children who have reached the age of criminal responsibility (10 in England). However, the Government has said that if there is an emergency (such as a major terrorist attack), the 42 day rule will be introduced in a separate law.

Human rights organisations must work hard to make sure that this rule is not introduced in the future.



Take action: say “yes” to votes at 16!

The Youth Citizenship Commission has published *Old enough to make a mark?*, a consultation asking for views on lowering the voting age to 16. We are asking all CRAE members to respond to the consultation and say “YES” to votes at 16.

CRAE has been campaigning for Votes at 16 since 2000, and helped set up the Votes at 16 coalition in 2003. We want the Youth Citizenship Commission to see how much support there is for lowering the voting age.



For more information about the Votes at 16 coalition, or for help in writing a response to the consultation, please contact Tom Burke, senior policy and change officer, at tburke@crae.org.uk.

No equal protection from assault for children

A **cross-party** amendment (change to the Bill) to the Children and Young Persons Bill, which would have banned smacking, was given no time for debate on 8 October.

Cross-party is when politicians from all political parties agree on an issue and work together to take action on it.

The Government was planning to make Labour MPs vote against the amendment, even though 111 Labour MPs wanted a free vote. Both the Conservative and Liberal Democrats had planned to give a free vote on the issue.

The Government has published a statement setting out its views on smacking: http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0224

The following day, Thomas Hammarberg, European Commissioner for Human Rights, asked the Government to change the law on smacking. Following his visits to the UK earlier this year, Mr Hammarberg said: *‘That children, uniquely, should have less protection under the criminal law from assault is additionally discriminatory and unimaginable, given children’s obvious and special vulnerability.’*

Read the full report here: <https://wcd.coe.int/ViewDoc.jsp?id=1351659&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

Government will not raise the recruitment age of the armed forces

The Government has said it has no plans to raise the recruitment age to the armed forces to 18 (this was recommended by the UN in October). It has also said that it will carry on allowing under-18s to take part in fighting in certain circumstances, despite the UN Committee on the Rights of the Child asking the Government to change its position.

For more details: <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm081021/text/81021w0007.htm#08102136001561>

Council of Europe Human Rights Commissioner calls for UK juvenile justice reform

The European Human Rights Commissioner, Thomas Hammarberg, published a report last month criticising the UK for not respecting the human rights of children in trouble with the law. The Government rejected many of the recommendations in the report.

The Human Rights Commissioner said that the Government must:

- Introduce a law to make sure that that children are only locked up as a last resort
- Stop people using painful restraint techniques on children
- Give locked up children a legal right to education
- Review the policy of using anti-social behaviour orders (ASBOs)
- Stop “**naming and shaming**” children who are given ASBOs.

Naming and shaming is the term used when personal information about someone who has committed a crime or received an ASBO (like their name and address) is published in the media.

Council of Europe press release:

[https://wcd.coe.int/ViewDoc.jsp?Ref=PR737\(2008\)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/ViewDoc.jsp?Ref=PR737(2008)&Language=lanEnglish&Ver=original&Site=DC&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)



Council of Europe
www.coe.int

COMMISSIONER
FOR HUMAN RIGHTS



High levels of restraint of children continue in privately run child jails

The Howard League for Penal Reform has uncovered more details about restraint in secure training centres.

The figures:

- While girls made up just seven per cent of all children in custody from April 2007 to June 2008, 20% of all restraint were carried out on girls
- The figures show that children are restrained an average of 670 times a month in English and Welsh child prisons
- Young children in secure training centres are the most likely to be injured during restraint.

CRAE wants the Government to ban painful restraint techniques in secure training centres and to hold a public inquiry into the illegal use of restraint on children who are locked up.

Find out more: http://www.howardleague.org/fileadmin/howard_league/user/pdf/press_2008/FOI_restraint_figures_29_September_2008.pdf

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

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).

Government to remove privacy restrictions in family courts

Justice Secretary Jack Straw is going to announce plans to make family court hearings more open to the public. At the moment these are held in private as they involve personal matters, including matters affecting children, but some parents have complained that court decisions to take their children into care have been made 'in secret'.

Organisations like the NSPCC and CRAE are worried about opening up the family courts to the media, as this may go against a child's rights to privacy.

Key Stage 3 tests scrapped; Key Stage 2 here to stay

The Government has announced plans to stop national tests at the end of Key Stage 3. Children's Secretary Ed Balls said that, although tests for 14 year-olds were being scrapped, the tests for 11 year-olds would remain in place.

In place of tests, students will have more assessment in the classroom, and parents will be given more information about their progress.

CRAE is pleased that Key Stage 3 tests are being stopped but we are worried that children in England still have to sit so many tests and exams. This puts them under lots of pressure and can cause serious mental health problems.

PSHE to become compulsory from Key Stage 1

The Government has announced that personal, social and health education (PSHE) will become a compulsory part of the curriculum from age 5 to 16. The announcement came after a review of sex and relationship education in schools. CRAE would like the Government to take this opportunity to make sure children's human rights are taught in the compulsory curriculum at all Key Stages.

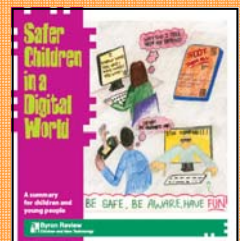
Download the press release: http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0235

UK Council for Child Internet Safety set up

The UK Council for Child Internet Safety has started its work to put into practice the recommendations about keeping children safe online from Dr Tanya Byron's report, *Safer Children in a Digital World*, earlier this year.

The Council will be working on:

- Improving education around internet use
- Tackling problems around online bullying
- Looking at how to have safer search features
- Thinking about the impact of violent video games and how to control who sees them
- Developing a Child Internet Safety Strategy with young people and parents (covering online advertising and harmful websites).



For more information: http://www.dcsf.gov.uk/pns/DisplayPN.cgi?pn_id=2008_0215

Children's charities criticise asylum seeker "returning college"

A new residential "college" has been set up to house 50 unaccompanied asylum seeking and refugee children. It will offer training and English lessons to prepare them to return home if they are unsuccessful in their asylum claim to stay in the UK. The centre has been criticised by children's organisations who are worried that the project focuses more on children's immigration status than their needs as children.

An **unaccompanied asylum seeker** is a child or young person under the age of 18 who has come to the UK on their own (without their family) to claim asylum.

For more information visit: <http://www.guardian.co.uk/society/2008/sep/17/immigrationandpublicservices.children>

Investigation into claims of mistreatment and abuse of asylum seekers

A report by a charity called Medical Justice has collected almost 300 claims of assault and abuse of asylum seekers over the last four years.

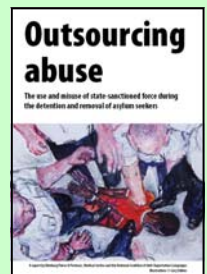
Following the publication of the report, the Government announced an investigation into these cases.

A total of 42 children were involved in cases of alleged assault or abuse, and five said they had been assaulted themselves. One case described how a 16 year-old female was assaulted by guards as they removed her from a shower at a detention centre.

CRAE is pleased that there is going to be an investigation and wants the Government to make sure children in the immigration system are seen as children first, and that their asylum status does not take priority over their best interests or their human rights.

Read the Medical Justice report:

<http://www.medicaljustice.org.uk/images/stories/reports/outourcing%20abuse.pdf>



Legal cases

House of Lords supports right to family life for Lebanese mother and son

The case was brought by the Lebanese mother of a 12 year-old boy. The woman came to the UK from Lebanon when her son was seven years, having left her husband in Lebanon following serious domestic violence.

In Lebanon, a court gave the mother **custody** of the son until he reached the age of seven. The court said that once the boy turned seven, the father would get custody of him – even if this was not the best decision for the child.

Giving someone **custody of a child** means giving an adult the legal right to live with, look after and support a child.

The mother applied for asylum from the Government but her claim was rejected. She appealed, arguing that decision went against her right to privacy under Article 8 of the European Convention on Human Rights because she would lose custody of her son on return to Lebanon.

The **European Convention on Human Rights (ECHR)** is a treaty that was agreed by the Council of Europe in 1950. The ECHR protects civil and political rights, such as the right to a fair trial, the right to express your views, the right to life and the right to privacy. **Article 8** of the ECHR says that you have the right to respect for your private and family life, home and correspondence.

The House of Lords allowed the mother's appeal and said that the mother and boy should be allowed to stay in this country. The House of Lords said that sending the child back would go against their right to a family life together and that it was really important that the best interests of the child were taken into account.

Early Day Motions

Write to your MP about the UN's concluding observations!

Write to your MP asking him or her to support Annette Brooke MP's Early Day Motion, in which she asks the Government to take urgent action to address the recommendations of the UN Committee on the Rights of the Child and make sure that the UN Convention on the Rights of the Child is put fully into practice in the UK.

EDM 2315 UN Convention on the Rights of the Child
Annette Brooke MP



That this House notes the publication of the Concluding Observations of the UN Committee on the Rights of the Child which assesses the Government's record in meeting its international obligations on the treatment of children; further notes the Committee's conclusion that the Government is failing to uphold children's rights in a number of policy areas resulting in over 120 recommendations; and calls on the Government to take urgent action to address these recommendations and ensure that the UN Convention on the Rights of the Child is fully implemented in the UK.

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=36683&SESSION=891>

Find out how to contact your MP here: www.theyworkforyou.com



Bills

Children and Young Persons Bill

CRAE has been pushing for a change to the Bill to allow children to appeal against their own exclusion from school. The Government announced that it will run a consultation on this idea in 2009. The Government also said this consultation might include rights of appeal in relation to Special Educational Needs and Disability Tribunals.

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.

CRAE is really pleased with this announcement and wants the Government to make sure that children who have been excluded from school, young disabled people, and children with special educational needs can contribute to the consultation.

CRAE is still challenging the duty on 16 and 17 year-olds to attend education or training. If 16 and 17 year olds do not attend education or training they will get a criminal record. We want more information on how criminal records will be stored and used.

For more information, contact Catherine Billingham at cbillingham@crae.org.uk.

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2007-08/educationandskills.html>

Education and Skills Bill

CRAE has been pushing for lots of changes on the Children and Young Person's Bill. The main changes that CRAE wanted to include in the Bill were:

- All Ministers to have the UN Convention on the Rights of the Child included in their job description
- 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 should be given Royal Assent by the end of 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.

Consultations—have your say

Say “yes” to votes at 16!

The Youth Citizenship Commission has published *Old enough to make a mark?*, a consultation asking for views on lowering the voting age to 16.

We are asking all CRAE members to respond to the consultation and say “YES” to votes at 16. CRAE has been campaigning for Votes at 16 since 2000, and helped set up the Votes at 16 coalition in 2003.

The closing date for getting your responses in is **20 January 2009**. Help us to show the Youth Citizenship Commission how much support there is for lowering the voting age.

For more information about the Votes at 16 coalition, or for help in writing a response to the consultation, please contact Tom Burke, senior policy and change officer, at tburke@crae.org.uk.

Download the consultation document: <http://www.justice.gov.uk/publications/voting-age-consultation.htm>

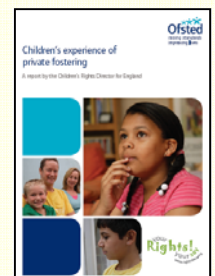


Publications

Children’s experience of private fostering

This report by the Children’s Rights Director asks privately fostered children how new rules about private fostering have affected them.

Children and young people said that they were generally happy with their care. There had been some improvements, such as more children and young people having a say in choosing their carers and receiving regular visits from their social workers.



Private fostering is when a child or young person is looked after by private agreement, usually by someone they know (like a relative or family friend) instead of by the council.

However, privately fostered children were still getting very different levels of care and support in their placements. There are also worries about the number of children who are privately fostered but who do not have contact with social services.

To download the report: <http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Care/Children-s-rights/Children-s-experience-of-private-fostering>

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CRAE legal advice service for children



Call freephone **0800 32 88 759** or e-mail advice@crae.org.uk
Open Tuesdays, Wednesdays and Thursdays from 3.30pm to 5.30pm