



Introduction

In June 2008, children and young people from the Children's Rights Alliance for England asked the United Nations Committee on the Rights of the Child to make 14 recommendations to the UK Government in order to make sure children's human rights are full protected and respected in England.

These recommendations were based on the views and experiences of over 1,700 children and young people in England.

This report shows what action the Government has taken on children and young people's recommendations in the 18 months since they presented their report to the UN Committee on the Rights of the Child.

You can download the report children and young people submitted to the UN Committee on the Rights of the Child from <http://www.getreadyforchange.org.uk/campaigns/reports>.

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More needs to be done to help make children feel respected in all aspects of their lives. Laws should be introduced to ban unfair age discrimination.

What progress has the Government made?

1. In April the Government published the Equality Bill. The aim of this is to make it easier to understand and obey discrimination law, and to give more protection from unfair discrimination in some areas.

- One of the good things about the Bill is that it has a public sector equality duty (about treating people fairly) which applies to under-18s.

The public sector equality duty means that all public organisations (like work places, libraries, leisure centres, restaurants) must treat the people who use these organisations equally.

But the Equality Bill does not make enough progress in protecting children from unfair age discrimination:

- The public sector equality duty does not apply to schools and children's homes – this means that under-18s won't be protected by the law from unfair age discrimination here
- Although the Bill protects people against unfair age discrimination when using goods, facilities or services, this does not apply to under-18s.

The Bill is currently going through the House of Lords and is likely to become law in March 2010.

2. The Government is asking people what they think about a Bill of Rights and Responsibilities for Britain. Their discussion paper includes a section on children's rights and making sure all children and young people are able to fulfil their potential.

The Government should introduce media guidelines requiring fair representation of children. More efforts should be made to put good things about children in the papers and prevent negative stereotyping of children, especially refugees and asylum seekers.

What progress has the Government made?

1. The Government has said it is worried about how the media shows children and young people.

2. In March 2009, the Government published an action plan to support the 1,000 most challenging young people in England. The plan did not think about the effect that ASBO laws have on children's rights. This means that the media can still report on children with ASBOs in the paper, and local councils can run publicity campaigns. This is known as "naming and shaming".

3. In 2009, CRAE published guidelines for journalists about reporting on children's rights and respecting children and young people. We also published a report showing how newspapers present children in their stories. When we sent our reports to the Government, the Children's Minister told us that the Government is working with the media to understand what drives them to report on children in this way. The Minister also said the Government is *'actively promoting good news stories on a local and national level'* to improve the way adults see young people.

4. In July 2009 the Government ran **Shine Week** to celebrate young people's achievements. The Children's Minister has told CRAE that this is part of a campaign *'to celebrate all that is best in our young people'*.

5. The UK Border Agency (UKBA) has been put under a new legal duty (in the Borders, Citizenship and Immigration Act 2009) to keep asylum-seeking children safe and well. This means that:

- UKBA staff have to show that asylum-seeking children are treated as well as any other child
- That the child's best interests are a top priority in decisions
- That children at risk of harm have been properly identified.

We are pleased about this duty but the Government has not done anything to deal with the unfair way the media reports on refugee and asylum-seeking children.

More needs to be done to make sure that all children are actively involved in decision making within their schools and local communities. We would like every school to have a student council.

What progress has the Government made?

- 1.** The Government has still not made it law for every school in England to have a school council.
- 2.** In May 2008, the Government published new guidance about involving children in decisions in schools (called *Working Together*). This says that schools should involve students in observing lessons, recruiting staff, and having a say on issues that affect them.
- 3.** A law was passed in 2009 to put local councils under a legal duty to promote democracy. This will include encouraging local councils to set up young mayors and youth councils, and to involve the community (including young people) in decision-making.
- 4.** At the end of 2008, the Government changed the law to say that school governing bodies must ask for the views of students. The Government is now suggesting that students should be asked about the times of the school day, the curriculum, and how the school should make sure everyone is treated equally. CRAE is disappointed that the Government has not taken action to really strengthen children's rights to have a say in school.
- 5.** A new law passed in 2009 says that any children or parents making a complaint about a school must not be treated badly by the school because of it. The law has not yet come into practice.
- 6.** The Government has asked people for their views on giving children and young people the right to appeal exclusion from school, or against a decision about their special educational needs. At the moment, the law says only parents can actually make an appeal (this is like making a complaint). The Government only wants to give the right to appeal exclusions to those aged 16 and above. There are no immediate plans to change the law.
- 7.** The independent Youth Citizenship Commission was set up by the Government to look at citizenship and how to involve children and young people in politics. One of its jobs was to look at the case for lowering the voting age. Unfortunately the Youth Citizenship Commission did not recommend lowering the voting age. Instead, it said that this decision was one for each political party to make.

Make sure that the UNCRC is a compulsory part of the curriculum for children of all ages and provide more information about the UNCRC to parents and other adults.

What progress has the Government made?

- 1.** The UNCRC is still not part of the formal curriculum in schools, although there is an optional lesson plan about it in the citizenship curriculum.
- 2.** The Government is still funding UNICEF's Rights Respecting Schools programme in five local authorities. This runs until 2010.
- 3.** In 2008, the Ministry of Justice published advice for schools about how to create an environment that respects human rights. This is called *Guidance to a whole-school approach to human rights*.
- 4.** The Ministry of Justice, DCSF and the British Institute of Human Rights have published information for key stage 3 citizenship teachers about teaching human rights. This is called *Right here, right now*.
- 5.** The recommendations from the review of what is taught in primary schools did not include making children's rights part of the curriculum, despite lots of campaigning from CRAE and others.
- 6.** A report by CRAE about how much local councils know about the UNCRC found that very few councils include the UNCRC in their plans for providing services for children and young people. It also found that most councils don't know much about the UNCRC. Very few councils give children's rights training to staff working with children.

Children with disabilities must be included in decisions about their lives.

What progress has the Government made?

1. The Government has ratified (agreed to follow) the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which gives children with disabilities extra rights to have a say in decisions affecting them and the right to be included in society.

2. The Government is making reservations to the Convention, meaning that it does not have to follow particular articles. One of these is to continue to allow children with disabilities to be educated in special schools. Campaigners are worried that the Government's reservations will stop children with disabilities from being treated equally.

3. The Government has agreed to follow the complaints procedure of the CRPD. This means that children with disabilities will be able to complain directly to the UN if their rights under the treaty are ignored (once their case has gone through the UK courts). It is too early to say what effect this might have on how well children's rights are protected.

4. The Government has asked people for their views on giving children and young people the right to appeal a decision about their special educational needs. It has also asked for views on changing the law to give children the right to make a legal claim if they are discriminated against because of their disability. There are no immediate plans to change the law.

There must be tough laws on smacking – it should be made illegal. Children should be treated well at home. We think that more support must be made available to families to help them with this.

What progress has the Government made?

1. In the UK, parents are still allowed by law to smack their children. This is called physical punishment.
2. In October 2008, a cross-party amendment (a change to a Bill) to ban smacking was put forward for the Children and Young Persons Bill. This would have banned smacking. But, it was given no time for debate.

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

The Conservatives and the Liberal Democrats were going to let their MPs vote how they wanted on smacking, but the Labour Party said that Labour MPs had to vote against the amendment.

3. The Home Office has published plans to help stop all violence against women and girls. CRAE is calling for the definition of domestic violence to include children, and for smacking to be banned so that children are truly protected by law from all forms of violence.
4. The European Commissioner for Human Rights, Thomas Hammarberg, has asked the Government to ban smacking. He 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’*.
5. The UN Committee on the Rights of the Child, the UN Committee on the Elimination of Discrimination against Women, the UN Committee on Economic, Social and Cultural Rights and the UN Human Rights Council have all asked the Government to change the law to ban smacking.

Children in care must have their rights respected. They should have more independence and have their views taken into account properly when decisions are being made about their lives.

What progress has the Government made?

- 1.** The Government expects local councils to have Children in Care Councils. These are meant to make sure children in care have a say about the services that they use. Children in Care Councils are not required by law.
- 2.** The law has been changed to say that independent reviewing officers (local council officers who make sure children in care are involved in decisions about their care) **must show** that they have thought about the wishes and feelings of children in care when they are making decisions about them.
- 3.** The Government has said it will make sure legal guidance says that children in care should be able to get the help of an advocate (an adult that helps a child get his or her views across) in all areas of their lives, and not just when they are making a complaint.
- 4.** The Children Act 2004 (section 53) says social workers must think about the wishes and feelings of children involved in child protection cases. CRAE has found that many local councils do not know about this part of the law.
- 5.** The Government is asking people for their views on new rules for care planning – care planning includes making decisions about where a child who is in care lives, what education support they have, contact with their family, and how their views are taken into account. The new rules make it very clear that children must have a say in major decisions about their care.

Make sure that children who are locked up are treated with respect. They must have access to good health and decent living conditions.

What progress has the Government made?

1. A coroners report into the deaths of two young people that died in prison in 2004 said that children's views should be recorded every time they are restrained, and they should have the chance to record any injuries. The Government says this isn't possible because so many locked up children can't read or write properly.

Restraint is physically holding someone to stop them doing something, for example, to stop them hitting someone else or hurting themselves. This includes using methods that cause pain.

2. In 2008 the Government brought in new rules on restraint. These said that children could be restrained to keep good order and discipline. A young person brought a legal case against the Government to say these new rules were illegal. The Government lost. The rules in private prisons (secure training centres) have now been changed to say that children can only be restrained to stop them escaping, to stop them from hurting themselves or others, or to stop them from damaging property. Although the rules in young offender institutions (government-run prisons for under-18s) have not yet been changed, the court case means that no child should be restrained for reasons of good order and discipline, no matter where he or she is locked up.

3. The Government has done an independent review of the way children are restrained. The review said that painful restraint can still be used, despite shocking accounts from children of their experiences of restraint. The Government has not said how it will make sure children are safe and make sure prison staff don't use illegal force.

4. The Chief Inspector of Prisons has published many reports in the last two years saying she is worried about the safety, welfare and living conditions of children who are locked up.

5. In December 2009 the Government published a plan to promote the health of children who are in contact with the criminal justice system. This includes children who are locked up.

More funding to support children who need someone to talk to, for example, children being bullied or suffering from exam stress. There should be free professional counselling services in schools. More work should be done in schools to stop bullying.

What progress has the Government made?

1. The Government has recently run an independent investigation into the mental health services it provides for children – called CAMHS – Child and Adolescent Mental Health Services. This found that how good mental health services vary depending on where children live, and that 16 to 18 year-olds often don't get the help they need.
2. After the CAMHS Review published its findings, the Government agreed to:
 - Ask all local services, including schools, youth services and hospitals, to work together to make sure that children and young people enjoy good mental health
 - Give advice to schools about helping students to be emotionally healthy. It is also going to ask schools to measure how well they help their students to do this.
3. The Government has announced that personal, social, health and economic education (PSHE) will become a compulsory part of the curriculum for students aged 5 to 16. The Children, Schools and Families Bill going through Parliament this year aims to make this happen.
4. In 2007 UNICEF published a report showing that the UK came last out of 21 countries when children were asked to judge their own emotional health and well-being.
5. The Sharing Secrets Safely campaign at CRAE has been doing research with children and young people into the types of counselling services that are available in their schools. The research has found that many children and young people do not feel they have someone they can talk to in school about their problems, and that confidentiality and trust are really important factors in making the decision to use a counselling service.

More training should be given to health professionals working with children. We particularly think they need more training on issues facing LGBT children. There should be more accessible health care advice for all children especially in schools. We particularly believe that there should be more sex and relationships education.

What progress has the Government made?

- 1.** In February 2009 the Government launched its new plans for child health. It said it will do more to improve the skills of health professionals working with children.
- 2.** In June 2009, Sir Alasdair Macdonald finished his review of personal, social, health and economic education (PSHE). He recommended that PSHE should be made compulsory in both primary and secondary school. A Bill going through Parliament at the moment aims to do this.
- 3.** Unfortunately, Sir Alasdair and the Government decided not to remove a parent's right to take their child out of sex and relationships education.
- 4.** In the Children, Schools and Families Bill currently going through Parliament, the Government is planning to make sex and relationships education compulsory for anyone over the age of 15.
- 5.** The Government has published new guidance aimed at improving the health and well-being of children in care – this includes making sure all the different professionals involved in children's lives work together.
- 6.** The Government has published advice to help schools to combat homophobic bullying.
- 7.** The Government has published a new plan to improve the health and well-being of children and young people who are in contact with the criminal justice system. This includes children who are at risk of getting in trouble with the law, as well as those that have been found guilty of committing crimes.

The Government needs to do more to reduce the high levels of stress placed on children by exams and workload. We should be able to enjoy our education.

What progress has the Government made?

- 1.** In 2008 the Government said children would no longer have to take national tests at age 14 (at the end of Key Stage 3). But the Children's Secretary Ed Balls said that tests for 11 year-olds would still happen. Unfortunately it seems that a lot of schools are still testing 14 year-olds anyway.
- 2.** The Welsh Assembly Government has a plan to make sure there is a counselling service in every primary and secondary school in Wales.
- 3.** In 2007 UNICEF published a report showing that the UK came last out of 21 countries when children were asked to judge their own emotional health and well-being.
- 4.** CRAE's Sharing Secrets Safely campaign has done research with children and young people to find out what kind of things cause them stress, and how counselling services can help them deal with this. Children and young people have told CRAE that they want someone they can trust, in school, to talk to about their problems. The Sharing Secrets Safely campaign has made recommendations about what can be done to make sure children and young people get the help they need in school.

More Government money should be spent on more and cheaper leisure facilities for children. The needs of all children including those with disabilities and those with religious beliefs must be taken into account when deciding what activities are available.

Make sure that all parks and leisure facilities are well maintained and that children feel really safe when using them. Play areas should be suitable for all different ages (ranging from little children to teenagers). These should be well patrolled.

What progress has the Government made?

1. In December 2007, the Government published its first ever play strategy. This set out how it would improve play services and facilities for children and young people in England. It asked thousands of children and young people for their views before deciding on these plans.

2. The Government has invested £235 million in creating more, safer and better play spaces for children in England. This includes adventure playgrounds.

3. The Government has said that these new play spaces must be able to be used by children with disabilities. Play England has asked a children's charity to find out whether play spaces and play facilities include all children and can be easily used by children with disabilities. It will be giving advice to local councils on how to do this.

4. The Government has recognised that children and young people from certain backgrounds have less chance to play – including children from poor areas, ethnic minority children, gypsy and traveller children, young carers, and those aged over 13. But the Government has not yet said how it will deal with this.

5. CRAE wants the Government to do more to make sure children's **right to play** is respected and protected.

6. In April 2008, the Government published guidance for local councils to tell them about the type of bullying that takes place in play areas, and what they can do to deal with this.

7. The Government said in August 2009 that children and young people have access to more than 530 new play sites in 63 local areas.

More needs to be done to stop the police discriminating against specific groups of children (especially black and ethnic minority and traveller children) and assuming that they are guilty of committing crimes.

What progress has the Government made?

1. In 2008 the Government decided to allow children over the age of 10 to fill in the yearly British Crime Survey. Before this, only those aged 16 or over could take part. This is a really important step. But CRAE also wants the views of younger children to be included.

2. The Government has not done anything to make sure stop and search is used fairly with children and young people. Figures published in November 2009 showed that 310,000 searches of 10 to 17 year-olds took place between April 2007 and March 2009, and that 40% of those searched were black.

CRAE has called for clear guidelines on stopping and searching children and young people. The Government is trying to reduce the amount of paperwork that is caused by stops and searches in the Crime and Security Bill going through Parliament at the moment. CRAE is worried that this will mean less protection for children and young people from the unfair use of stop and search.

3. The European Court of Human Rights ruled on a stop and search case in January 2010. They said that the UK Government's stop and search powers – which were introduced in 2000 under counter-terrorism laws – are not lawful and that they violate Article 8 of the European Convention on Human Rights, the right to privacy. This may have an impact on the way that the police are allowed to use stop and search in the future.

4. Police forces must now have a "Policing Pledge" that says what local people can expect from them. This should include asking children and young people what they think.