



Children's Rights Bulletin

For children and young people

Issue 36
June 2009

Welcome to issue 36 of our children's rights bulletin. This month has seen the launch of our counselling survey, lots of work on the Equality Bill through Young Equals and planning creative ways to celebrate 20 years of children's rights. If you would like some more information, or would like to give us any feedback on the bulletin please contact Carla Garnelas at cgarnelas@crae.org.uk or on 020 7278 8222 ext. 25

Inside...

Young Equals 2

Laming
recommendations 4

DNA database 5

Violence in prisons 8

Parliament 10

EDM 13

Publications 14

CRAE conference 15

CRAE contacts 16

Growing support for UK-wide coalition to make CRC part of the law

Membership of the group who want the **United Nations Convention on the Rights of the Child** (UNCRC) to become part of UK law is growing, with our newest members including Professor Geraldine Van Bueren, who helped to write the Convention 20 years ago.

Other members include UNICEF UK, Save the Children, the National Children's Bureau, the National Youth Agency, NSPCC, Scope, and the Centre for Studies on Inclusive Education.

CRAE has been lobbying government for many years to make the UNCRC part of UK law. We believe that making the UNCRC part of UK law would give the best possible protection for children's rights.

For more information, or to join the coalition: <http://www.crae.org.uk/protecting/uk-law.html>

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. For more information: http://www.getreadyforchange.org.uk/childrens_rights

Take action on children's rights



Have your say on counselling services in school

Our *Sharing secrets safely* campaign (part of Get ready for change!) has launched a survey to find out what children and young people understand about confidentiality, and what they think about the quality of the counselling services in their schools. The survey closes at the end of July.

Have your say now at <http://digbig.com/4yska> and ask all your friends to fill it in too!

Age discrimination update



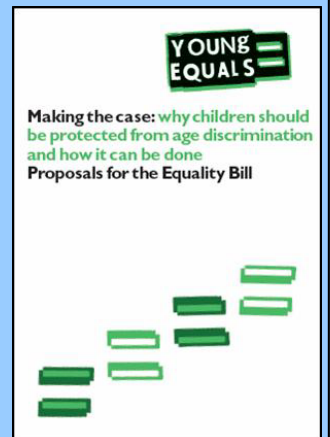
Young Equals is a group of charities and children who are campaigning to stop age discrimination. Young Equals is co-ordinated by CRAE. For more information on Young Equals, or to join the campaign, e-mail equality@crae.org.uk

Young Equals: Making the case

Young Equals has recently published *Making the case* – a report setting out evidence of harmful age discrimination in lots of different settings, including in health, child protection, shops, restaurants, leisure facilities and public transport.

Making the Case has been sent to key parliamentarians, charities, individuals and children and young people.

You can download a copy of *Making the case* here:
www.crae.org.uk/protecting/age-discrimination.html



Take action – age discrimination in health and social care

The Department of Health is carrying out a review of age discrimination in health and social care as part of the Equality Bill. It is asking for evidence of age discrimination and suggestions for how the health service can put the ban on age discrimination against adults into practice.

Young Equals is encouraging individuals and organisations to send in evidence of where children and young people have been treated unfairly in health and social care services because of their age. This includes children's treatment in places such as:

- Doctor surgeries
- Hospitals
- Dentists
- Counselling services
- Sexual health clinics
- Social services

For more details about the call for evidence:

http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleagueletters/DH_099857

Please send a copy of your evidence to the Young Equals campaign at: 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.

Government responds to Laming recommendations

On 6 May, the Government has published its response to Lord Laming's progress report on child protection, following the "Baby P" case. The Government has set out a plan for local and national action to improve the child protection system. Children's Secretary Ed Balls said: *'This country has one of the best child protection systems in the world. But good practice is not yet standard practice everywhere and we should not rest until it is'*.

The Government's plans to improve child protection include:

- Looking again at the **Working together** guidance to see where it can be improved
- Checking the work of **Local Safeguarding Children's Boards** very closely
- Taking action in the NHS to increase the number of health visitors and improve training for staff working with children.

CRAE has welcomed the Government's focus on improving the child protection system, but believes that the recommendations only look at certain parts of the system. The Government is not looking at the needs of social workers who are trying to support children to make decisions in child protection cases. There has also been no mention of how important it is that everyone understands children's basic human rights.

Until this happens, CRAE believes we will not have a child protection system that makes children's best interests and views a top priority.

Download the Government's response: <http://www.everychildmatters.gov.uk/socialcare/safeguarding>

Local Safeguarding Children Boards (LSCBs)

These are made up of representatives of lots of different organisations in a local area, including police, social services and health organisations. These people have a legal duty to protect the welfare of all children and young people in the area and keep them safe from harm.

Working Together guidance

This is guidance that sets out how individuals and organisations should work together to keep children safe from harm and protect their welfare.

Youngest ever child gives evidence to Old Bailey



In a ground-breaking case at the Old Bailey, a 4 year-old girl gave evidence in a sexual abuse case. The girl was questioned by a specially-trained female police officer, and her evidence was presented to the court in a video interview.

The defendant (the person accused of committing the crime) was found guilty of the rape of the girl when she was 2. Lawyers for the defendant argued that the girl was too young to give evidence.

This is a really important case for children, as it shows that even a very small child, when properly supported, can be a trustworthy witness.

It is important that when children are used as witnesses to remember that:

- Proper funding is needed to support them
- Training is needed for police officers and people who work in courts
- Children are given the proper support before and after the trial.

If you have any questions about this case, please e-mail Katy Swaine, CRAE's legal director at kswaine@crae.org.uk.

For advice and information about your human rights and what to do if you are being treated unfairly, call our confidential freephone* on 0800 32 88 759 between 3.30 and 5.30pm, Tuesday to Thursday, or email us at advice@crae.org.uk.

Threatened closure of secure children's homes

The Youth Justice Board (YJB) has announced it will reduce the number of places allocated to secure children's homes from 219 to 191 from July 2009. Four secure children's homes will be directly affected, and it is likely that some will also close because of this.

CRAE is worried that these actions could badly affect the lives of children and young people living in these homes, and even cause them harm.

Dr. Mike Lindsay, CRAE's national co-ordinator, said:

'If these threatened closures do take place, we will be left with very limited secure provision for very complex and highly vulnerable young people'.

You can read the full article here:

<http://www.guardian.co.uk/society/2009/may/secure-care-homes-closure>

Debate in the House of Lords:

<http://www.theyworkforyou.com/lords/?id=2009-05-07a.665.5&s=secure+children%27s+homes#g665.6>

Secure children's homes

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

Proposed reform to DNA database

The Government has set out plans for changing and improving the National DNA Database. Earlier this year, the **European Court of Human Rights** said that the DNA of innocent people should not be kept on the database.

The new plans include:

- Automatically removing the details of people who have been arrested but found innocent of serious violent or sexual crimes after 12 years
- Removing the details of people who have been arrested but found innocent of all other crimes after six years
- Removing the details of children who have been arrested but found innocent of minor crimes when they reach the age of 18.

CRAE believes that the Government's plans do not go far enough. We want the Government to remove the details of the thousands of innocent children from the DNA database.

We also want the Government to give greater protection to children's privacy rights. The European Court ruling (mentioned above) also said that keeping people's details who have not been found guilty may be very harmful to children.

The DNA details relating to children under the age of 10 were taken off the database in December 2008.

CRAE will be responding in full to the Government's consultation on the DNA database soon.

For more detail about the proposals, visit <http://www.homeoffice.gov.uk/documents/cons-2009-dna-database/#>



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.

Disability Convention to be ratified with reservations

CRAE welcomes the statement by the Disability Minister that the Government will shortly begin the ratification (agreeing to follow) process for the UN Convention on the Rights of Persons with Disabilities.

We are very disappointed that Government will ratify the Convention with several **reservations**. One of the reservations includes a statement that allows young disabled people to continue to be educated in “special schools”.

CRAE believes that the reservations will deny disabled children and young people equal status and citizenship.

For more detail, visit <http://www.theyworkforyou.com/wms/?id=2009-05-13a.57WS.3&s=convention+on+the+rights+of+persons+with+disabilities>

The Convention Campaign Coalition: <http://www.un-convention.info/page3.html>

Reservation

A reservation is when a government wants to sign up to an international treaty but does not agree with a particular article. It then puts a reservation in place so that it does not have to follow that article. A reservation cannot go against the main meaning of the treaty it is linked to.

UN appoints Special Representative on Violence against Children

The United Nations has chosen Maria Santos Pais as the first UN Special Representative on Violence against Children. This role was created following a recommendation in the **UN Study on Violence against Children** in 2006.

Ms. Santos Pais is currently the director of the UNICEF Innocenti Research Centre, and used to be on the UN Committee on the Rights of the Child.

CRAE hopes that she will encourage the UK Government to take action on the recommendations made in the UN Study on Violence against Children.

These recommendations include:

- The need for a national plan to end all violence against children
- The need for better information to be collected on the kinds of violence experienced by children and where this violence takes place.

You can read more about the UN Study on Violence against Children at:

<http://www2.ohchr.org/english/bodies/crc/study.htm>

UN Study on Violence against Children took place in 2006 and investigated the reasons behind, the amount, the causes, and the consequences of different types of violence against children. It looked at the five main places where violence against children takes place, as well as other environments such as in work situations, in children’s own communities and on the streets.

77 children missing from care home

A report from the UK Border Agency, sent to the Guardian newspaper, said that at least 77 Chinese children have gone missing from a children's home near Heathrow airport since 2006.

Children from the home have been trafficked to work in the drugs, prostitution and counterfeit trade (fake designer goods). Only four of the missing children have been found.

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.

CRAE is very worried about the findings of the report and thinks that not enough is being done to protect and support trafficked children. We want the Government to start a new investigation into trafficked children who go missing from local council care. The Government must take as much action as it can to stop the sale and trafficking of children.

Parliamentary committee calls for guardians for separated children

Last month, the Children, Schools and Families Select Committee said they were really worried about the numbers of suspected victims of child trafficking going missing from local council care.

The Committee's recommendations included:

- That a system of guardianship (someone to look after and support the child) should be introduced to support and protect these children
- The Home Office should share responsibility for separated children with the Department for Children, Schools and Families in order to make sure that children's welfare remains a top priority.

CRAE, along with other organisations, has been calling for a system of guardianship for a long time and very much supports the Committee's recommendation.

For more information: <http://www.guardian.co.uk/society/2009/apr/20/guardians-foreign-children>



Select committee

A group of MPs or Peers that investigate how Government policy works in practice. They can question Ministers and civil servants, and they report back to Parliament.

Taskforce on violence at Home Office

A group of health professionals has been set up by the Home Office to spot early signs of violence and abuse against women and girls, to investigate the amount of violence against women and girls, and to make sure victims of violence are well-supported by the NHS.

CRAE has responded to a consultation by the Home Office on ending violence against women and girls. We said that the Government must stop sending out confusing messages about violence against children, and make sure that children are no longer allowed to be hit in the home. This is allowed under section 58 of the Children Act 2004 and is called “**reasonable punishment**”.

For a copy of CRAE’s response, e-mail Carla Garnelas at cgarnelas@crae.org.uk.

Read the Home Office statement on the taskforce:

<http://press.homeoffice.gov.uk/press-releases/health-taskforce-violence-women>

The law on “**reasonable punishment**” allows a parent or carer to hit a child in the home as long it does not cause offence and/or leave a mark. If a parent employs someone to look after a child, such as a nanny, they can also smack the child with the parents permission. This is not against the law.

Howard League: increase in violence in prisons

An investigation by the Howard League for Penal Reform has found that there has been a 58% rise in attacks between prisoners in **young offender institutions** (YOIs) in the last 5 years, and a 13% increase in fires started by **arson**.

The head of the Howard League said that the increase in violence was shocking and that children with mental health problems and addictions would never be properly supported in such a system.

CRAE wants the Government to look at how it deals with young people in the justice system. We believe that the Government should follow the recommendations the UN Committee on the Rights of the Child made in October 2008. The Committee said that children should only be locked up as a last resort and that children who are locked up must be provided with appropriate support and care.

Young offender institutions

Prisons run by the Government that hold children and young people.



Arson is when someone sets fire to a building or property on deliberately. There are many reasons why someone might do this, such as revenge, hiding evidence, to hurt someone or just for entertainment.

PSHE to become part of the statutory curriculum

Sir Alasdair Macdonald has finished his independent review of personal, social and health education (PSHE). He has set out some recommendations to improve the quality of PSHE in schools, including:

- PSHE must become a compulsory part of the curriculum in primary and secondary school
- Parents can choose for their children to 'opt-out' of sex and relationships education (SRE).

CRAE is really worried that parents can still choose to take their children out of SRE and we want the Government to take action to make sure all children and young people have access to high quality SRE.

The recommendations from the review are open for consultation. If you would like to have your say on PSHE or on the review of the primary curriculum, please follow the links below:

Download the PSHE review: <http://publications.dcsf.gov.uk/default.aspx?PageFunction=productdetails&PageMode=publications&ProductId=DCSF-00495-2009>

Find out more about the primary curriculum review and consultation: http://www.qca.org.uk/qca_22292.aspx

Third year of rises in child poverty

Figures published this month by the Department for Work and Pensions have shown that 4 million children were living in **relative poverty** in 2007-08, an increase of 100,000 on the previous year.

The rise in child poverty is very disappointing, as the Government had promised to halve child poverty by 2010 and to end it by 2020.

As a member of the End Child Poverty campaign, CRAE wants the Government to take more action to help and protect the four million children living in poverty.

For the *Households Below Average Income* report: <http://www.dwp.gov.uk/asd/hbai.asp>

Relative poverty

Relative poverty is when the money that comes into a family household is below the amount the Government says is necessary for people to be able to live on with a decent quality of life.

MOD refuses to investigate Deepcut case further

A new inquiry into the death of a 17 year-old soldier who died in 2001 while on night duty at **Deepcut Barracks** has shown that the army did not provide the right care and supervision to people training to be soldiers.

The Ministry of Defence (MOD) has said that there was no one else involved in the death and that they will not investigate the case any further, even though there are lots of unanswered questions about what happened.

Children's rights campaigners are very worried about the safety and wellbeing of 16 and 17 year-olds in the armed forces. In 2002, the UN Committee on the Rights of the Child said that those responsible for training soldiers at Deepcut had failed in their role of caring for young trainees.

CRAE wants the Government to put the **Optional Protocol on Involving Children in Armed Conflict (OPAC)** fully into practice. This would stop under 18s being able to join the armed forces. At the moment under-18s are allowed into the armed forces, and can sometimes take a direct part in wars.

More information about OPAC: http://www.getreadyforchange.org.uk/childrens_rights/optional_protocols

Deepcut Barracks is an army training base in Surrey where four trainee soldiers aged 17 and 18 died from gunshot wounds in the space of seven years.

Optional Protocol

Optional Protocols are new rules that have been added to a Convention, which governments can decide if they want to agree to. The UN Convention on the Rights of the Child has two Optional Protocols - one on the involvement of children in armed conflict and one on the sale of children, child prostitution and child pornography.

Legal Cases

High Court rules on age disputed asylum seekers

Two young people came to the UK from Afghanistan seeking asylum. When they arrived they said they were 15 years-old. They were assessed by social workers as being over 18, but a paediatrician (a children's doctor) assessed their ages at 15. This case was taken to the High Court to get guidance on how to work out how old a person is.

The judge said that local councils should not ignore paediatricians' assessments, but they should not be taken more seriously than the advice given by experienced social workers. He said there should be special centres where age assessments could be carried out, that the system was not perfect and that it was important that assessments were carried out properly.

In relation to the two young people from Afghanistan, the judge agreed with the local council's assessment that they were over 18.

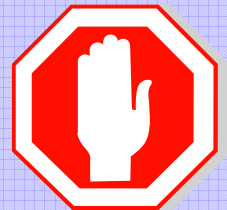
End of *doli incapax* principle confirmed by courts

A young man appealed to the House of Lords against his conviction for sexual offences committed when he was 12. In interview he had admitted the activity but said that he had not thought he was doing anything wrong. He tried to rely on the principle of *doli incapax* in his defence but the judge ruled that he could not use this defence. He pleaded guilty, but raised the issue again as a way of challenging being found guilty.

Doli incapax describes someone who is not capable of being responsible for committing a crime. Until the last century, it was left up to the courts to decide whether a child could be criminally responsible. Since 1963, English law has said that children under 10 cannot be criminally responsible. The law also applied the rule of *doli incapax* to children aged between 10 and 14. This means that it would be assumed by the courts that 10 to 14 year-olds were not criminally responsible unless it could be proved that they were. In 1998, a law was introduced that removed the *doli incapax* rules and reversed this. This now means that children over 10 are all assumed to be criminally responsible unless their defence can prove that they are not.

Court says police can be challenged on ‘stop and search’ powers

The High Court has given permission for twins aged 11 to challenge the police over a “blanket” **stop and search** at an environmental demonstration. The children were left shaken after being stopped and searched at a demonstration in Kent last year. The searches were carried out on all protesters entering and leaving the site. The case continues.



Stop and search is when someone is stopped in the street by the police and asked where they are going and what they are doing. The police will then go through their belongings and check if they are carrying anything illegal, such as a weapon.

House of Lords rules on local authority duty to ‘look after’ children

In this important case, the House of Lords decided that local council children’s services departments must house and support homeless children instead of passing them on to council housing departments.

A young man (G) became homeless at 17 when his mother evicted him from their house. The local council found that he needed help with accommodation, which they gave him. However, they did not accept him as a child in need under section 20 of the Children Act 1989. This meant he was not entitled to be looked after by the local council and would not receive leaving care support.

G argued that he should have been classed as a child in need under the section 20 of the Children Act 1989 and therefore should have received support. The judge in the case agreed with G and said that he should have been given support.

G’s lawyer said ‘This judgment is a huge step forward for children’s rights’, and went on to explain that the decision in the case means that local councils will have to completely change the way they support homeless children.

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.



Bills

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. Children's views should also play a large part in the development of the new school complaints systems for students and parents.

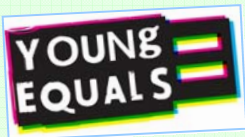
Children and Young People's Plan

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.

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 Government is currently planning to exclude under-18s from legal protection from harmful age discrimination in the provision of goods, facilities and services. It also wants to exclude schools and children's homes from the duty to promote equality of opportunity and good relations between people of different ages.



Young Equals will be campaigning on both of these issues. We also want to see public buildings and public transport become more accessible for adults travelling with babies and young children.

The Young Equals campaign has been working really hard to push the Government to include children in areas of the Equality Bill, and think about why they have missed opportunities to protect children from discrimination because of their age.

See page 2 for the full Young Equals update!

Consultations

DCSF, Safeguarding children and young people who may be affected by gang activity

Closing date: 18 June 2009

The Government has written new guidance about keeping young people involved in gangs safe. The guidance tells people like teachers, social workers and youth workers how to spot if a young person is in a gang and advice on what to do about it.

They are asking for people's views on:

- How to spot if someone is a member of a gang
- What to do if a young person is likely to be harmed because they are involved in a gang
- How social services, schools, the police and others should deal with gangs

You can read more information about the Government's consultation at

<http://www.getreadyforchange.org.uk/your-say/consultations>

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 1472 - Voting age and 16 year-olds

Jo Swinson MP

That this House commemorates the 40th anniversary on 12 May 2009 of the lowering of the voting age from 21 to 18 years; notes that in the eyes of the law young people aged 16 years can take on full-time jobs, pay taxes and become sexually active; further notes that a recent report by the Electoral Reform Society shows that polling of 16 and 17 year-olds consistently shows that a majority want the voting age lowered to 16 years; and urges the Government to lower the voting age to 16 years to ensure young people's rights reflect their responsibilities

<http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=38640&SESSION=899>

Voting

This is what the public does to choose the politician they want to run their area or country. At the moment, only people over 18 can vote in the UK.

Publications

Home Affairs report on child trafficking

The Home Affairs Select Committee has published a report on human trafficking following a year-long investigation. *Trade in Human Beings: Human Trafficking in the UK* finds that:

- 330 child victims are trafficked into the UK each year
- 60% of suspected child trafficking victims in local council care go missing and are not found
- 23% of children trafficked into the UK come from China, with most victims aged 16 or 17.

There is lots of confusion about how to identify victims of child trafficking. The report also sets out concerns that traffickers may be using the care system to take advantage of vulnerable children.

Check out the report: <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/23/2302.htm>

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.

Asylum system fails vulnerable families

A report by the Asylum Support Partnership has found that there are high levels of severe poverty among asylum seekers, particularly those that have been refused asylum. This also includes some asylum seekers who have children.

The report says that the Government should provide financial support for all refused asylum seekers with children who are living in severe poverty.

CRAE wants the Government to respond to the report's recommendations and to make sure that families who are refused asylum are entitled to the support that other families living in severe poverty receive (including benefits and healthcare) until they leave the UK.

We also call for the Government to change the part of the law which says that all families that are failed asylum seekers should be removed from the country.

Asylum seeker

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

Benefits are money or other kinds of support given by the Government to people who need extra help. There are lots of different types of benefits - for people who don't have a job, who don't have that much money, for those bringing up children, for people who are sick, disabled, retired or have someone else to look after.

11 MILLION report on Yarl's Wood

11 MILLION, the office of the Children's Commissioner for England, has published a new report called *The Arrest and Detention of Children Subject to Immigration Control*.

The report is about the experiences of children and young people whose families have come to the UK from other countries, but who aren't allowed to stay. These children and young people are detained, which means they're taken away from their homes to places called **Immigration removal centres**.



The Children's Commissioner for England, Professor Sir Al Aynsley-Green, has been listening to some of these children and young people and is very worried that detention is making their lives worse. Sir Al is working with the Government to try and end the detention of children and young people.

You can download a PowerPoint presentation about the report, and read the full report here:
http://www.11million.org.uk/youth/blogit/details.cfm?rtn=index.cfm&guid=a85039d09b5b48aea8c6620b21101926&Page=1&issueroom=childrens_commissioner

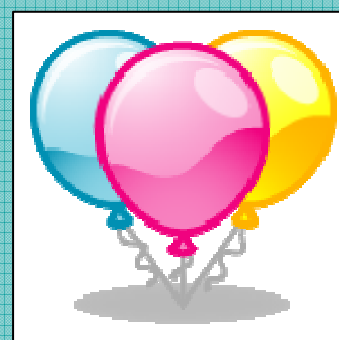
Immigration removal centres

Places where people waiting for the Government to decide if they can remain in this country are forced to stay. People who are going to be forced to leave the country are also held in removal centres. Removal centres are a lot like prisons.

Events

20-20: Celebrating great achievements 20 November 2009

CRAE's conference this year will celebrate the 20th anniversary of the UN Convention on the Rights of the Child. It will take place on **20 November 2009** from 10am to 5pm at the Oval Conference Centre in London.



RESERVE THE DATE IN YOUR DIARY!

Look out for more details in the next edition of the bulletin.

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