

Children's rights bulletin

Issue 51 - March 2011



Inside... Have your say on search powers in schools | Restraint news | Take action!

Welcome

Hello, and welcome to the 51st edition of CRAE's children's rights bulletin!

In this issue of the bulletin, you will find your six-weekly round-up of developments in policy and law affecting the human rights of children and young people in England.

2011 has already been a very busy year for CRAE, with a number of new and exciting projects creating fantastic opportunities for children and young people to get involved, take action and create change for children.

You can have your say by getting involved in the following:

- Search powers in your school – tell us about your experiences of being searched in school (see page 3)
- Reporting on the UN Convention on the Rights of Persons with Disabilities (see page 4)
- Tell us how we can improve the bulletin by e-mailing kmaroo@crae.org.uk

If you would like to get involved in CRAE's work or would like any help campaigning on a children's rights issue - please let us know. E-mail: activist@crae.org.uk

If you would like more information on any of the stories in this bulletin, or want to tell us what you think about the bulletin, please contact Krishna Maroo on 020 7278 8222 extension 26 or at kmaroo@crae.org.uk

We hope you enjoy issue 51 of the bulletin.

Take Action!

Take action on school search powers

Parliament is debating a new law – the Education Bill – which will give school staff more powers to search students without their permission. The Government wants school staff to be able to search students if they think they have an object which could be used to cause damage or injury, as well as any other object which is against the school rules.



The Bill will also allow school staff to look through students' phones and laptops and delete files. The Bill also says that school staff will be able to search a student on their own, and search a student of the opposite sex if necessary.

CRAE wants to know what you think about these powers:

- *Do you think they are needed?*
- *Do teachers search students in your school?*
- *Have you (or your bag/locker/phone/laptop) been searched at school?*

We'd like to let members of Parliament know about your experiences to persuade them that the search powers aren't necessary (we won't use your name). Email our parliamentary adviser, Catherine Hodder at chodder@crae.org.uk and let us know your views. Please include your age in your e-mail.

If you're concerned about these new search powers, we'd also like you to email your MP. The Government needs to show Parliament the evidence for why schools need these powers, otherwise the courts might say that the searches are against children's privacy rights. Use this website to email your MP, and ask your friends to do the same: www.writetothem.com.

If you'd like more information on the Education Bill or on how to write to your MP, please contact Catherine on chodder@crae.org.uk or 0207 278 8222 ext. 27.



Take Action!

Have a say on how well the Government is putting disabled people's rights in action

In 2009, the UK Government ratified (agreed to follow) the UN Convention on the Rights of Persons with Disabilities (CRPD). The UK Government now has to send a report to the UN explaining how it is putting all the rights in the CRPD into practice.

Disability Rights Watch UK is a project of the [United Kingdom Disabled Peoples' Council](#) (UKDPC). The project aims to make sure that disabled people, including children and young people, are fully involved in checking how well the UK Government puts these rights into action.



The UKDPC wants to hear the views and experiences of disabled children and young people and will use this evidence to tell the UN where the Government needs to make changes to law, policy and every day actions to make sure the CRPD is being followed.

This information will also be used to tell the UN where the UK is not properly following the CRPD.

You can have your say through the Disability Rights Watch UK website: <http://www.disabilityrightswatchuk.org/index2.php>

The **Convention on the Rights of Persons with Disabilities** is an international agreement between many countries around the world, including the UK. If this human rights treaty was followed properly, the barriers that make life difficult for disabled people would be gone. This includes physical barriers like inaccessible transport and buildings as well as attitudes that stop disabled people being respected and included as full and equal members of society.

News

New restraint rules in children's homes give greater protection to children

The Children's Homes Regulations 2011 will give children better protection if they are being restrained. The regulations say that **restraint** in children's homes is only allowed in three situations:

- To try and stop injury to any person (including the child who is being restrained);
- To try and stop serious damage to the property of any person (including the child who is being restrained); and
- In the case of a child who lives in a **secure children's home**, to stop the child from escaping from the home.

When restraint is used in children's homes, staff must only use as much force as necessary.

The regulations say that people who manage children's homes must make sure that all written records of restraint include:

- A description of any injuries suffered by children as a result of restraint
- Details of any medical treatment given
- Confirmation that the manager has spoken with the child and members of staff involved about the restraint.

The written record must also say how long the restraint lasted and explain what action was taken to avoid restraining the child.

Following a serious case brought to our legal advice service, CRAE wrote to Government Ministers at the end of 2010 calling for stronger rules on the use of restraint in children's homes.

Restraint - Physically holding someone to stop them doing something very dangerous, for example, to stop them hitting someone else or hurting themselves.

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

News

EU children's rights plan published



The European Union (EU) has published its new children's rights plan - the 'EU Agenda for the rights of the child'. The plan sets out how the EU will make sure its work respects children's rights under the **Charter of Fundamental Rights** of the European Union and the UN

Convention on the Rights of the Child. The plan says that the **European Commission** needs to carry out a 'rights check' before planning any new laws or policies to make sure that they respect and protect children's rights.

The document also sets out plans to help children involved with the courts, missing children and children who are victims of cyber bullying. Some children's rights organisations think the plan does not go far enough to protect children's rights. Eurochild, a network of over 90 children's rights organisations across Europe (including CRAE), said that it was hoping to see children's rights integrated into all areas of the EU's work as well as more support for countries to protect children's rights nationally.

The **European Union** is a group of 27 European countries that work together on issues like trade, jobs, immigration, criminal justice and equality. The EU has over 500 million citizens and more than 100 million children.

The EU agreed the **Charter of Fundamental Rights** in 2000. This means that all EU states and EU organisations must respect people's rights when they are carrying out European law. **Article 24** of the Charter says that EU states must think about children's views in matters that affect them. The EU is negotiating with the UN to ratify (agree to follow) the UN Convention on the Rights of the Child.

European Commission

Commissioners are appointed by the Government of each country of the European Union (EU). The Commission writes new EU laws and makes sure that the laws are being respected in all EU countries.

News

Legal challenge on restraint

CRAE has asked the High Court for permission to challenge the Government's refusal to contact people who were in **secure training centres** to let them know that they might have been illegally **restrained**.



We are asking the Government to look back at the records of people who were in secure training centres to see if any of them experienced 'distraction' techniques – these are techniques where pain is deliberately used to stop a person from doing something. We also want to know if any people were hurt whilst they were being restrained, had problems breathing or made any complaints about being restrained whilst in a secure training centre.

We want the Government to contact these people and give them help to challenge any treatment that might have been illegal.

CRAE is now waiting to hear if we have been given permission to take the case forward.

Restraint

Physically holding someone to stop them doing something very dangerous, for example, to stop them hitting someone else or hurting themselves.

Secure training centre

Prisons for 12 to 17 year olds run by private companies (these make profits for the people that own the companies).

News

UN Committee publishes statement on violence against children



The **UN Committee on the Rights of the Child** has published its **General Comment No. 13** on Article 19 of the CRC. Article 19 says that every child must be protected from all forms of violence, abuse, neglect and bad treatment. The General Comment focuses on the recommendations in the **UN Study on Violence against Children**.

The General Comment says that levels of violence against children are 'alarming' and that governments must take more action to end violence against children. It also says that children must be protected from **all** forms of physical *and* mental violence – this includes name calling and other humiliating behaviour. The definition of violence also includes smacking, **forced marriage, female genital mutilation** and threatening behaviour.

UN Committee on the Rights of the Child

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. The UN Committee on the Rights of the Child meets in the Palais Wilson in Geneva.

General Comment

A General Comment provides more detail about a particular article in a human rights treaty. It gives advice about how to interpret the rights and put them into practice. The Committee on the Rights of the Child has written several General Comments, including more information on the rights of children in trouble with the law, the rights of children with disabilities and the right to participate in decision-making.

News

The UN Committee says that protecting children from all forms of violence is essential in making sure that they can enjoy all of their other rights in the CRC and calls for all forms of violence to be banned.

The UN Committee warns that the media is often responsible for creating negative stereotypes about young people and crime. These can lead the Government to introduce laws and policies that focus on punishing young people

The says that the Government must make sure that information about the General Comment on Article 19 is sent out widely, including directly to parents and children.

Read the General Comment: <http://www2.ohchr.org/english/bodies/crc/comments.htm>

The UN Study on Violence against Children was set up in 2002 to get a picture of how children across the world experience different forms of violence. It made over 60 recommendations for how violence against children can be prevented.

Forced marriage

This is where one or both of the people involved have not willingly agreed to get married. The people forced into marriage may be under physical and emotional pressure to get married. In some cases they may be taken abroad to get married.

Female genital mutilation

To very badly damage a girl or woman's sexual organs/vagina by cutting them.

News

Children will be able to say no to fingerprinting in schools

A new law is being debated in Parliament which will allow children to refuse to be fingerprinted at school. Some schools use fingerprint scanners for registration or in the canteen or library.



The Protection of Freedoms Bill will require both parents to give permission before a child's fingerprints or other **biometric data** can be collected and used by a school. Even if their parents have given permission, children of all ages will still be able to say 'no' to their fingerprints being taken. CRAE wants to make sure that every school tells children and parents that they can refuse to give permission.

See the Parliament section for more information on the Protection of Freedoms Bill.

Biometric data

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



Lib Dems call for increase in age of criminal responsibility

The Liberal Democrat party has agreed new policies on youth justice, many of which go against the policies and plans of the coalition Government. The policies were agreed at the party's Spring Conference last month. They include:



- Raising the **age of criminal responsibility** to 14
- Abolishing the use of **ASBOs** for young people
- Introducing specially trained panels to work with children and young people who have committed crimes to make sure they get all the support they need and help them stop carrying out more crimes in the future.

CRAE is very pleased that the Liberal Democrats are in favour of abolishing the use of ASBOs on children and young people. We are also pleased that the party is thinking again about the age of criminal responsibility. However, we want the Liberal Democrats to push for a completely separate system for under-18s in relation to the police, prisons and courts, in line with the recommendations of the UN Committee on the Rights of the Child.

Download the policy paper: <http://www.libdems.org.uk/siteFiles/resources/PDF/conference/Spr11%20Policy%20Paper%2099.pdf>

Age of criminal responsibility

This is the age when the law says a person must take full responsibility for the crime they have committed. At the moment the age of criminal responsibility in England is 10 years old.

Anti-Social Behaviour Order

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.

Replacement for ASBO still damaging to young people

The coalition Government has published a document setting out its plans for dealing with **anti-social behaviour**. Although the Government is planning on abolishing **Anti-Social Behaviour Orders** (ASBOs), CRAE is worried that the replacement for ASBOs, called Crime Prevention Injunctions (CPIs), will be just as damaging to young people.

Anti-social behaviour

When a person acts in a way that harasses, scares or upsets one or more people that do not live with them. The Government gives examples of anti-social behaviour as nuisance neighbours, intimidating groups in public spaces, graffiti, and dealing and buying drugs on the street.

Anti-Social Behaviour Order

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CPIs can be given to young people who 'are likely' to engage in anti-social behaviour as well as to those young people who have been or are actually involved in anti-social behaviour. This could lead to much higher numbers of children and young people receiving them, as young people could be given a CPI on the basis of rumours about their behaviour. CRAE is very concerned about this proposal.

News

The policy of giving ASBOs to children and young people has been widely criticised. In 2008, the UN Committee on the Rights of the Child said that it was concerned about the use of ASBOs and told the UK Government to think again about using them on children and young people. In the same year, Thomas Hammarberg, the Council of Europe's Commissioner on Human Rights said that it was wrong to 'name and shame' children who had been given ASBOs. The coalition Government is not planning to end the naming and shaming of children who receive the replacement ASBO.

Naming and shaming

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.

Schools should involve children to promote good behaviour



A Committee of MPs has said that children and young people should be involved in helping to create and promote good behaviour in schools. The Education Committee published a report called *Behaviour and discipline in schools* at the end of January. CRAE had written to the Committee saying that when children's rights are respected in schools, there is an improvement in behaviour and respect between staff and students. The Committee's report also said that students who have been wrongfully excluded should be able to return to their school.

Read the Education Committee's report:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmeduc/516/516i.pdf>

Legal

Supreme Court rules on best interests of child in detention case

In this case, a woman appealed to the Supreme Court to challenge a decision that she should be removed from the UK to Tanzania along with her two children. Both children are British citizens who have lived in the UK all of their lives. The father lives in the UK and the children see him regularly.

She argued that they should not be deported as this would go against their right to a family and private life, as set out in Article 8 of the **Human Rights Act**. Her lawyers said that a key issue in the case was how far the best interests of the children should be taken into account when a decision was being made about whether to deport the children and the mother. The Supreme Court gave the woman permission to challenge the decision to deport her and her children.

One of the judges, Lady Hale, said that it was important to find out the children's own views and feelings and that this was central to deciding what was in the best interests of the child.

Read the full judgment: http://www.supremecourt.gov.uk/docs/UKSC_2010_0002_Judgment.pdf

Human Rights Act

The Human Rights Act was passed in 1998. It makes most of the rights and freedoms in the European Convention on Human Rights part of UK law. This means that human rights must be followed, and that you can bring a case to court in the UK if your rights are not respected.

Parliament

Armed Forces Bill

CRAE and other children's organisations are supporting the Coalition to Stop the Use of Child Soldiers' campaign to increase the minimum age that young people can join the British armed forces from 16 to 18, after the Joint Committee on Human Rights and the UN Committee on the Rights of the Child recommended it should be changed.



CRAE thinks the Armed Forces Bill is a good opportunity to change the law on the recruitment of young people into the army, navy and air force.

The Coalition to Stop the Use of Child Soldiers suggested a number of changes to the Bill, including:

- Raising the recruitment age to 18,
- Making sure that under-18s have a right to leave the armed forces if they want to
- Asking the Ministry of Defence to publish an annual report on the recruitment of under-18 year-olds.

Although the Government did not agree that the recruitment age should be increased, the Minister said he would look at the issue of under-18s having a right to leave the armed forces if they want to.

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2010-11/armedforces.html>

Amendment

This is a suggested change to a Bill.

Parliament

Education Bill

CRAE is campaigning against more powers for school staff to search students without their permission (see page x for more information and to take action) and to make sure that students who have been wrongfully excluded can return to their schools.



Through Participation Works, CRAE is campaigning for students to be fully involved in the exclusions process, including being able to challenge a decision themselves. We also want students to be able to become full members of **school governing bodies**.

The Government has sent a report to the **Joint Committee on Human Rights**, saying how it thinks the Education Bill respects children's rights: [http://www.parliament.uk/documents/joint-committees/human-rights/DfE Memo Children and Schools Bill.pdf](http://www.parliament.uk/documents/joint-committees/human-rights/DfE_Memo_Children_and_Schools_Bill.pdf)

Follow the Bill's progress through Parliament: <http://services.parliament.uk/bills/2010-11/education.html>

Joint Committee on Human Rights

This is a committee within Parliament made up of MPs and Peers that considers human rights issues in the UK.

School Governing Bodies

School governing bodies are a group of people whose main job is to help make big decisions about a school, such as selecting the head teacher, making sure the National Curriculum is taught and looking after school policies.

Parliament

Health and Social Care Bill



The Health and Social Care Bill will change the way in which the health service is run. CRAE is campaigning as part of Participation Works to make sure that children and young people are fully involved in decisions about how health services are run and in decisions about their own health care.

Follow the Bill's progress through Parliament:

<http://services.parliament.uk/bills/2010-11/healthandsocialcare.html>

Public Bodies Bill

Following campaigning by CRAE and others, the Government has decided to remove the Children's Commissioner from the Public Bodies Bill. The Bill gives new permanent powers to Ministers to change or get rid of public bodies (such as the Children's Commissioner) without a proper discussion in Parliament. CRAE is worried that the Equality and Human Rights Commission (EHRC) is still included in the Bill. The Government has said that it is considering whether to make the new powers temporary.

Follow the Bill's progress through Parliament:

<http://services.parliament.uk/bills/2010-11/publicbodieshl.html>

Parliament

Localism Bill

The Government hopes that the Localism Bill will give more power to communities to make decisions about local issues. Participation Works wants to make sure that children and young people will be involved in these decisions.



One of the major plans in the Bill is to allow local communities to have local **referenda** on issues that they are concerned about. A certain number of signatures have to be collected before a referendum can take place – but the signatures of children and young people will not count. Children and young people will also not be able to vote in a referendum, because they are below the voting age. Participation Works wants to make sure that children and young people are able to fully participate in local **referenda**.

Commons Committee: 25 January – 10 March 2011

Referendum (single), referenda (plural)

A referendum is a vote on a question about a particular policy or issue. It allows the public to make a direct decision on a question rather than MPs or local politicians making a decision on their behalf. The public will usually be asked to answer 'yes' or 'no' in response to a question. The result of the referendum will depend on how many people vote 'yes' and how many vote 'no'.

Follow the Bill's progress through Parliament:

<http://services.parliament.uk/bills/2010-11/localism.html>

Protection of Freedoms Bill

The Protection of Freedoms Bill will allow parents and children to refuse to give permission to schools to use students' fingerprints (see page 10 for more information).

Follow the Bill's progress through Parliament: <http://>

services.parliament.uk/bills/2010-11/protectionoffreedoms.html

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 1142 – Citizenship Education **David Blunkett**

That this House notes the publication of the coalition Government's White Paper, The Importance of Teaching; agrees with the comments of the Secretary of State for Education in the document's foreword that 'it is only through reforming education that we can allow every child the chance to take their full and equal share in citizenship'; further notes the Government's commitment to reform the National Curriculum; is concerned that, as part of that reform, citizenship education may become non-statutory in English schools; believes that citizenship is the only subject that provides an opportunity for pupils to become literate in our legal system and political processes and the skills to become active citizens; further notes that citizenship is a subject of academic rigour, established with cross-party support almost 10 years ago and that, to date, over half a million young people have achieved a GCSE or A-level qualification in the subject; supports the work of specifically-trained citizenship teachers in promoting democratic understanding and civic participation; and calls on the Government to affirm its commitment to citizenship education as an entitlement for all students in English secondary schools.

Opportunities and publications

Education Select Committee launches online forum

The Education Select Committee has launched an online discussion with young people as part of its inquiry into services into young people.

Hosted on The Student Room, the Committee wants to hear from young people aged 13-25 on a range of subjects including what out of school activities they participate in, whether they volunteer, their views on summer programmes for 16 year-olds and how they would spend the budget in their local area.

Children and young people can submit their views here:

http://www.thestudentroom.co.uk/wiki/Parliament_wants_your_view



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.

Opportunities and publications

Report: Children's views on having corporate parents



A new children's views report has been published by the Office of the Children's Rights Director (OCD). The report presents the views of 85 children and young people of being in care and having the council acting as their parent. This is called having a 'corporate parent.'

The report includes six detailed, personal accounts of life in care covering issues such as:

- Going into care for the first time
- Moving into a foster home
- Placement moves
- Relationships with social workers
- Support from social services on leaving care.

You can read the full report here:

<http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Care/Children-s-rights/Having-corporate-parents>

Children's Rights Director

The Children's Rights Director protects the rights of children living away from home, including children in care.

The current Children's Rights Director is Roger Morgan. (right).



Opportunities and publications

Unaccompanied young people landing in Kent

The Office of the Children's Commissioner for England has published a new report on the experiences of **unaccompanied young asylum seekers** arriving in the UK.

The report highlights a range of issues including:

- Young people's reasons for leaving their country of origin
- Their experiences between leaving their country and arrival in the UK
- Their treatment on entering the UK
- Life when they arrive.

The report says that lots of changes need to be made to the immigration system in order to ensure that the rights of unaccompanied children are fully respected and protected.

Read the report here:

http://www.childrenscommissioner.gov.uk/content/publications/content_465

Unaccompanied asylum seeker

This 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 refugee or asylum status.

CRAE contacts



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